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CONTESTED-ELECTION CASE

OF

C. B. KENNAMER

v.

L. B. RAINEY

FROM THE

**SEVENTH CONGRESSIONAL DISTRICT
OF ALABAMA**



**WASHINGTON
GOVERNMENT PRINTING OFFICE
1921**

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CONTESTED-ELECTION CASE

OF

C. B. KENNAMER v. L. B. RAINEY,

FROM THE

SEVENTH CONGRESSIONAL DISTRICT OF ALABAMA.

NOTICE OF CONTEST.

To L. B. RAINEY, Esq.:

Take notice that it is the intention of the undersigned, Charles B. Kennamer, to contest and he does hereby contest the election of the said L. B. Rainey at the election on November 2, 1920, to a seat in the House of Representatives of the Sixty-seventh Congress of the United States of America, from the seventh district of Alabama, and for grounds of contest he, the said Charles B. Kennamer, hereby specifies particularly the grounds upon which he relies in the said contest, namely:

1. That illegal votes were cast for the said L. B. Rainey at said election for Representative in said Congress, which, if deducted from the votes cast for said L. B. Rainey, would reduce the number of legal votes cast for said L. B. Rainey to or below the number of legal votes cast for the undersigned contestant at said election for said office.

2. That legal votes offered to be cast for the undersigned contestant at said election for said office were rejected, which if added to the legal votes cast for contestant would increase the number of legal votes given to him at said election for said office to or beyond the number of legal votes cast for the said L. B. Rainey.

3. That qualified voters were intimidated and coerced into voting for said L. B. Rainey for said office at said election who desired to and would in the absence of such intimidation have voted for contestant at said election for said office, which votes if added to the votes given to contestant would have increased his vote to or beyond the number of legal votes cast for said L. B. Rainey.

4. That fraud and corruption were committed at said election by "markers," inspectors, or clerks, and divers other persons in assisting persons to mark their ballots in that such "markers" marked the ballots of qualified voters at said election for said L. B. Rainey, although such person desired to vote for contestant and informed such "markers" of such desire and requested such "markers" to mark their ballots for contestant, and contestant avers that if such ballots are taken away from the ballots cast for said L. B. Rainey and added to the ballots cast for contestant, they would increase the legal votes cast for contestant to or beyond the legal votes cast for said L. B. Rainey.

5. That fraud was committed in said election by inspectors, or clerks, or both, of said election, in that legal votes cast for contestant at said election for said office were counted by the inspectors, or clerks, or both, for the said L. B. Rainey, which if taken away from the votes counted for said L. B. Rainey and added to the legal votes cast for contestant would increase the number of legal votes cast for contestant to or beyond the number of legal votes cast for said L. B. Rainey.

6. That fraud, malconduct, or corruption were committed at said election by inspectors, clerks, markers, and returning officers and other partisan friends

and supporters of said L. B. Rainey, in that during the holding of said election and on the election day they caused or permitted the polling places to be and become crowded with partisan Democratic supporters of said L. B. Rainey, and that such friends and supporters of said L. B. Rainey, in violation of law, electioneered for the said L. B. Rainey and solicited of voters the privilege of marking their ballots and did suggest to voters that Republican ballots were not allowed to be voted there, or that the proper way to vote was to make a cross-mark under the "rooster," or that no southern man ought to vote a Republican ticket, or that the voter should vote the Democratic ticket, or that no decent man would vote a Republican ticket, or that a vote for the Republican ticket was a vote for Negro equality, or that Warren G. Harding was part Negro, or that one of the candidates of the Republican Party for elector from Alabama was a Negro, or that, if contestant or Harding was elected, Negroes would attend the white schools or would ride in the same coaches on the trains with the white people, or would lodge at the same hotels with them, or would begin intermarrying with the whites, and divers and numerous other forms of electioneering against contestant and of electioneering for the said L. B. Rainey, and that by this means qualified voters were induced to vote for the said L. B. Rainey or to refrain from voting who desired to, and in the absence of such electioneering and malconduct would have voted for contestant, and whose votes taken from the votes cast for the said L. B. Rainey and added to the votes cast for contestant would have increased the legal votes given to contestant to or beyond the legal votes given for the said L. B. Rainey.

7. That the inspectors, clerks, and returning officers, Democratic partisan supporters of said L. B. Rainey, were guilty of fraud, malconduct or corruption in said election in that they did knowingly and intentionally and for the purpose of influencing the voters to cast their ballots for said L. B. Rainey permitted partisan supporters of the said L. B. Rainey to congregate within 30 feet of the voting place and then and there to electioneer for the said L. B. Rainey and against contestant, and that thereby voters were influenced to vote for said L. B. Rainey and against contestant, which if deducted from the votes given to said L. B. Rainey would reduce the number of legal votes cast for said Rainey to or below the number of legal votes cast for contestant.

8. That "markers," inspectors, and clerks, and divers other persons were guilty of fraud, malconduct, and corruption in said election in that they did knowingly and intentionally suggest to voters whom they were assisting in marking their ballots that the voters should cast their ballots for the Democratic ticket on which appeared the name of L. B. Rainey, or did suggest to said voters that they should vote for the said L. B. Rainey, and that thereby voters were influenced to vote for said L. B. Rainey, which, if deducted from the votes counted for him, would reduce the number of legal votes cast for him to or below the number of legal votes cast for contestant.

9. That malconduct was committed by the county officials of the several counties having charge of said election and whose duty it was to provide suitable polling places and by the persons in charge of said election in the several precincts in that, in violation of the laws of the State of Alabama, they failed and refused to provide booths wherein a voter could mark his ballot secretly and without any one seeing and knowing how he voted, but they thereby compelled the voters to mark their ballots in the presence and sight of Democratic partisan supporters of the said L. B. Rainey, and that thereby many qualified voters, who desired to vote for contestant and would have voted for him if they could have done so in secret, were deterred from voting for contestant and were influenced to vote for said L. B. Rainey or not to vote at all, which votes, if deducted from the legal votes cast for the said L. B. Rainey and added to the legal votes cast for contestant, would have increased the number of legal votes cast for him to or beyond the number of legal votes cast for the said L. B. Rainey.

10. That county officials and election officials were guilty of malconduct in said election in this, that Republican voters who were absent from home and who were qualified and entitled to cast an "absentee ballot" under the law of Alabama, and who would have voted for contestant, were denied by the Democratic probate judges of the several counties the proper and necessary blanks when applied to therefor, and that, on the contrary, Democratic absent voters who desired to vote for L. B. Rainey, whether qualified or not, were freely and promptly furnished the necessary blanks, and in that said "absentee votes" were in violation of law deposited and counted in the precinct where such absent voter had no right to vote, and in that many of said "absentee" ballots, after

being returned to the probate judge, were opened and Republican ballots removed therefrom and Democratic ballots for said L. B. Rainey substituted therefor and deposited in the ballot box and counted for said L. B. Rainey, and that by means of such misconduct votes were given to and counted for said L. B. Rainey to which he was not entitled and contestant was deprived of legal votes to which he was entitled, and that if the said votes to which said L. B. Rainey was not entitled were deducted from the legal votes cast for him and if the said votes to which contestant was thus deprived were added to the legal votes cast for him the legal votes cast for contestant would be increased to or beyond the legal votes cast for said L. B. Rainey.

11. That certain county officials and election officials and Democratic campaign committeemen and divers other persons, partisans of the said L. B. Rainey, conspired, confederated, and agreed together corruptly and fraudulently to procure to vote for the said L. B. Rainey persons whom they knew to be disqualified to vote; this conspiracy extended throughout the district, and as a consequence many persons not qualified to vote cast ballots for the said L. B. Rainey, which illegal ballots if deducted from the votes cast for the said L. B. Rainey would reduce the legal votes cast for him to or below the legal votes cast for contestant.

12. That officials whose duty it was to furnish each precinct with a sufficient number of official ballots to accommodate all legal voters were guilty of malconduct in said election in this, that in many places they did not furnish a sufficient supply of said ballots, and that thereby many qualified persons desiring and intending to vote for contestant were illegally deprived of the opportunity to do so, and that if their ballots are added to the legal votes cast for contestant the legal number of votes cast for him would be increased to or beyond the number of legal votes cast for the said L. B. Rainey.

13. That the registrars of voters, all of whom were Democratic partisans of the said L. B. Rainey, were guilty of malconduct in said election in that they did afford every convenience and opportunity to supporters of said L. B. Rainey to register and throw every possible obstacle in the way of supporters of contestant registering, and that they did knowingly register many supporters of said L. B. Rainey who were disqualified and did thereby prevent many qualified supporters of contestant from registering, and that thereby many votes were gained for the said L. B. Rainey and many votes lost for contestant, and that but for said malconduct the number of legal votes cast for contestant would have equalled or exceeded the legal votes cast for said L. B. Rainey.

14. That the registrars of voters, all of whom were Democratic partisan supporters of L. B. Rainey, did in violation of law fail to give public notice of the time and place where they would be present for the registration of voters, but did send private word to the friends and supporters of said L. B. Rainey that the one or more of the registrars would be at a certain place at a certain time to register voters and to get the supporters of said L. B. Rainey to meet them at such time and place to be registered, and that one or more of the registrars would surreptitiously repair to the appointed place at the appointed time and did there register the supporters of the said L. B. Rainey; that the registrars in going from place to place would stop and register the supporters of said L. B. Rainey wherever found, and if solicited to register by a supporter of contestant would make some excuse for declining to register him or her; that at a time when the law forbid the registrars from registering voters at any other place than at the county seat, one or more of said registrars would desert his post of duty and repair to the country district looking up and registering supporters of the said L. B. Rainey; that the registrars in violation of law deputized third persons, who had no authority to do so, to travel through the county hunting up the supporters of said L. B. Rainey and registering them, in flagrant violation of the law; that many names, to wit, thousands of names of supporters of L. B. Rainey were placed on the registration list who never appeared before a single one of the registrars; that they knowingly applied one test to supporters of L. B. Rainey who applied for registration and a different test in like case of supporters of contestant and did thereby knowingly register disqualified supporters of the said L. B. Rainey and knowingly refuse to register qualified supporters of contestant; that many supporters of said L. B. Rainey appeared before one only of the registrars and was in violation of law registered by him, whereas the law expressly requires at least two of the registrars to be present; that the registrars intimidated many supporters of contestant and thereby influenced them not to register; that the registrars sent by mail to supporters of

the said L. B. Rainey registration certificates who had never appeared before even a single one of the registrars, and to others they sent certificates by messengers. That by reason of said misconduct the said L. B. Rainey was given many votes to which he was not entitled and contestant was deprived of many votes to which he was entitled, and but for such misconduct the number of legal votes received by contestant would have equaled or exceeded the number of legal votes received by said L. B. Rainey.

15. That certain State officials, and county officials in the several counties of said district, of said L. B. Rainey, members of the Democratic State committee, members of the State legislature, members of the Democratic county committees, members of the Democratic campaign committees for the State and several counties, members of the boards of registrars in the several counties, the said L. B. Rainey and divers other persons supporters of the said L. B. Rainey, conspired, confederated, and agreed together to postpone to as late a date as possible the enactment of a law for the registration of the women of the State and to allow as little as possible for their registration and then so to manipulate and administer said law as to operate as much to the prejudice of supporters of contestant as possible and as much to the advantage of supporters of the said L. B. Rainey as possible, and that in execution of said conspiracy they did deprive many supporters of contestant of the opportunity to register and did illegally and fraudulently register many supporters of said L. B. Rainey, and that as a result of this misconduct the said L. B. Rainey received many votes to which he was not legally entitled and contestant was deprived of many votes to which he was legally entitled, and but for such misconduct the legal votes cast for contestant would have equaled or exceeded the legal votes cast for the said L. B. Rainey.

Contestant was a qualified elector in said district at the time of said election and was a rival candidate at said election for Representative in the Sixty-seventh Congress of the United States.

The board of canvassers authorized by law to determine the result of said election has heretofore declared the said L. B. Rainey elected as Representative in said Sixty-seventh Congress. Contestant states that said L. B. Rainey was not elected to said office but that contestant was elected.

CHARLES B. KENNAMER, *Contestant*.

STATE OF ALABAMA, *Marshall County*.

To whom it may concern:

I hereby constitute and appoint Thomas H. Stephens as my true and lawful agent to serve on L. B. Rainey copy of notice of contest of the election of said L. B. Rainey as Representative in the Sixty-seventh Congress of the United States from the seventh congressional district of Alabama.

Witness my hand this 4th day of December, 1920.

CHARLES B. KENNAMER, *Contestant*.

Executed this 11th day of December, 1920, by leaving copy of the within notice of contest at the residence of L. B. Rainey in Gadsden, Ala.

THOMAS H. STEPHENS,

Duly authorized agent to make such service by C. B. Kennamer.

STATE OF ALABAMA, *Marshall County*.

To whom it may concern:

I hereby constitute and appoint Jerry A. Mathews as my true and lawful agent to serve on L. B. Rainey copy of notice of contest of the election of said L. B. Rainey as Representative in the Sixty-seventh Congress of the United States from the seventh congressional district of Alabama.

Witness my hand this 4th day of December, 1920.

CHARLES B. KENNAMER, *Contestant*.

DECEMBER 9, 1920.

THE UNITED STATES OF AMERICA, *Distriet of Columbia, ss:*

I hereby certify that I have this day served a notice of contest, in which Charles B. Kennamer appears as contestant and L. B. Rainey as contestee, for the seat in the House of Representatives of the Sixty-seventh Congress from the seventh district of Alabama, and that the annexed is a true and correct copy of the original notice which was served on the contestee by me by registered

mail, addressed to his office, Room 430, House of Representatives Office Building, in Washington, District of Columbia, at 11:39 a. m., on Thursday, December 9, 1920.

JERRY A. MATHEWS,
Munsey Building, Washington, D. C.

I was present and witnessed the service herein.

BERT W. KENNEDY.

RECEIPT FOR REGISTERED ARTICLE No. 221411.

First-class postage paid.

From Mathews & Wilson, attorneys, 1123a, Munsey Building, D. C.; addressed to L. B. Rainey, M. C., Room 450, House of Representatives Office Building, D. C. Postmark, Washington, D. C., December 9, 1920.

POSTMASTER,
 Per T. O. O.

ANSWER TO NOTICE OF CONTEST.

To CHARLES B. KENNAMER, *Contestant*:

Comes contestee, L. B. Rainey, and demurs to contestant's notice and statement of contest, and to each separate and several ground of contest therein stated, and for causes of demurrer sets down and assigns the following:

1. For that the grounds of contest on which contestant relies are not specified particularly therein.

2. For that the grounds of contest on which contestant relies are not specified with that particularity required by law or necessary to inform contestee of what he is called on to defend against.

3. For that the grounds of contest on which contestant relies are stated in such general, vague, and indefinite terms that contestee is not apprised of the acts, things, or conditions complained of in such manner as to enable him to make proper answer thereto or defense thereof.

4. For that the statements of the grounds of contest on which contestant relies are mere conclusions or opinions, and do not amount to a statement of facts constituting grounds of contest such as would inform contestee of what he is called on to defend against or enable him to make a proper answer thereto or defense thereof.

5. For that it is not made to appear therein, had contestant received all the votes he claims he would have received, had it not been for the acts, things, and conditions complained of, and had the number of votes received by contestee been reduced to that legally cast for him, contestant would have received a majority of all the legal votes cast.

6. For that the voting places where said illegal voting or other illegal conduct alleged to have affected the result of said election took place, are not stated therein, nor are other facts stated which would inform contestee of what he is called on to defend against.

7. For that the several modes of electioneering set out in paragraph 6 thereof do not constitute grounds of contest of said election, as the effect that said modes of electioneering had upon the voters is a matter of mere conjecture or speculation.

8. For that the congregation of said partisan supporters of contestee within 30 feet of the voting place and electioneering with the voters for contestee, as averred in paragraph 7 thereof, do not constitute grounds of contest of said election, as the effect that said conduct and electioneering had upon the voters is a matter of mere conjecture or speculation.

9. For that a ground of contest is not stated in paragraph 8 thereof, as it only appears therefrom that the voters were induced to vote for contestee by the mere suggestion of said persons, or were merely influenced by said suggestions to vote for him.

10. For that a ground of contest is not stated in paragraph 9 thereof, in that the matters therein complained of are of such nature whether the voters were improperly influenced or coerced to change their votes from contestant to contestee is a matter of mere conjecture or speculation.

11. For that it is not made to appear from paragraph 10 thereof that, had it not been for the matters in that paragraph complained of, contestant would have been elected, or he would have received as many legal votes as contestee.

12. For that for aught appearing from paragraph 12 thereof, contestee was also deprived of votes as a result of the matters therein complained of, which, when added to the legal votes he received, would still have given him a majority over contestant after the legal votes contestant was thereby deprived of had been added to the legal votes he received.

13. For that it is not made to appear from facts definitely stated in paragraph 13 thereof that, had it not been for the matters therein complained of, contestant would have received as many or more legal votes in said election as contestee.

14. For that it is not made to appear from facts definitely stated in paragraph 14 thereof that, had it not been for the wrongs and illegal acts and things therein stated, contestant would have received as many or more legal votes in said election as contestee.

15. For that it is not made to definitely appear from facts stated in paragraph 15 thereof that, had it not been for the matters therein complained of, contestant would have received as many or more legal votes at said election as would have been received by contestee.

And now comes contestee and, without waiving the foregoing demurrer but insisting on the same, for answer to said notice and statement of contest as a whole says:

He denies all and singular the averments and charges of wrongful, improper, illegal, or mal conduct therein charged, and he avers and shows that contestant has no just or legal cause of complaint of the conduct of said election or the result thereof, as the vote which he and contestee received, when compared with the votes received by the candidates of their respective parties in said district, will demonstrate; that contestant was the nominee of the Republican Party for the House of Representatives of the Sixty-seventh Congress for the seventh congressional district of Alabama and Reynolds was the nominee of that party for United States Senator against Senator Underwood, and Lunsford was the nominee of that party for United States Senator against Senator Heflin; that in said election contestant received only 73 fewer votes in said district than the highest Republican presidential elector received therein, whereas contestee received in that district 167 fewer votes than the highest Democratic presidential elector; contestant received in that district 1,049 more votes than Reynolds received, whereas contestee received in that district 73 fewer votes than Senator Underwood received; contestee received in that district 949 more votes than Lunsford received, whereas contestee received in that district only 88 more votes than Senator Heflin received. In fact, contestant received the entire Republican vote in said district, as his vote, when compared with the vote received by the Republican presidential electors, candidates for United States Senator, candidates for the several county offices in said district, will disclose. While he did not receive the exact number of votes received by said several Republican candidates, he almost uniformly received more votes; whereas contestee almost uniformly received fewer votes than the respective Democratic candidates in said district; that the seventh congressional district of Alabama is composed of seven counties, of which contestant received a majority of the votes cast in three and contestee in four, contestant having received in each of said three counties larger majorities than any Republican candidate for Congress had theretofore received, whereas contestee's majorities in the four counties in which a majority of the votes were cast for him were not so large as the Democratic nominees for Congress have heretofore been accustomed to receive, with the exceptions of his home county, Etowah, in which county contestee received 262 fewer votes than the highest Democratic presidential elector received, and Cherokee County, in which he received only 6 more votes than the highest Democratic presidential elector, and received 41 fewer votes than Senator Underwood and 90 fewer votes than Senator Heflin; that, in the appointment of officials to conduct said election in the several voting precincts of the district, such as managers and clerks, the county officials, who had the appointment of such election officials in each county, appointed at least one Republican manager and one Republican clerk for each election precinct, which appointments were made from lists of names of suitable Republicans supplied said county officials either by contestant or the chairman of the Republican district committee or the chairman of the county Republican committee in which the appointments were made.

And for answer to each separate paragraph, respectively, of said notice and statement of contest, in the same order in which said paragraphs appear therein, contestee says:

1. He expressly denies that any illegal votes were cast for him at said election for Representative in said Congress, as charged in paragraph 1 thereof, which, if deducted from the votes cast for him, would reduce the number of legal votes cast for him to or below the number of legal votes cast for contestant at said election for said office, and in reply contestee avers that illegal votes were cast for contestant at said election for Representative in said Congress, which, if deducted from the votes cast for contestant, would increase contestee's majority over contestant at said election.

2. Contestee denies that legal votes offered to be cast for contestant at said election for said office were rejected, as charged in paragraph 2 thereof, which, if added to the legal votes cast for contestant, would have increased the number of votes given to him at said election for said office to or beyond the number of legal votes cast for contestee.

3. Contestee denies that qualified voters were intimidated and coerced in voting for him for said office at said election, as charged in paragraph 3 thereof, who desired to and would have, in the absence of such intimidation, voted for contestant at said election for said office, which votes, if added to the votes given to contestant, would have increased his votes to or beyond the number of legal votes cast for contestee, and in reply contestee avers that qualified voters were intimidated and coerced into voting for contestant for said office at said election who desired to and would, in the absence of such intimidation, have voted for contestee for said office at said election, which votes would have increased contestee's majority received and decreased the number of votes given to contestant.

4. Contestee denies that fraud and corruption, as charged in paragraph 4 thereof, was committed at said election by "markers," inspectors, or clerks and divers other persons in assisting persons to mark their ballot, and denies that said "markers" marked the ballots of qualified voters at said election for contestee, although such persons desired to vote for contestant and informed said markers of their desire and requested them to mark their ballots for contestant, but in reply contestee avers that "markers," inspectors, clerks, and divers other persons in assisting persons to mark their ballots marked the ballots of qualified voters at said election for contestant, although such persons desired and requested them to mark their ballots for contestee, and contestee avers that if such votes are taken away from the votes cast for contestant and added to the legal votes cast for contestee contestee's majority over contestant would thereby be increased.

5. Contestee denies that fraud, as charged in paragraph 5 thereof, was committed in said election by inspectors, or "markers," or both, of said election, in that legal votes cast for contestant at said election for said office were counted by the inspectors, or clerks, or both, for contestee, which, if taken away from the votes counted for contestee and added to the legal votes cast for contestant, would increase the number of legal votes cast for contestant to or beyond the number of legal votes cast for contestee.

6. Contestee denies that fraud, malconduct, or corruption, as charged in paragraph 6 thereof, was committed at said election by inspectors, clerks, "markers," and returning officers and other partisan friends and supporters of contestee, and denies that, during the holding of said election and on the election day, they caused or permitted the polling places to become crowded with partisan Democratic voters of contestee, and denies that they caused or permitted such friends and supporters of contestee, in violation of law, to electioneer for contestee, to solicit of voters the privilege of marking their ballots, or to suggest to voters that Republican ballots were not allowed to be voted there; or that they caused or permitted them to suggest to voters that the proper way to vote was to make a cross mark under the rooster, or that no southern man ought to vote a Republican ticket, or that the voter should vote the Democratic ticket, or that no decent man would vote the Republican ticket, or that a vote for the Republican ticket was a vote for Negro equality, or that Warren G. Harding was part Negro, or that one of the candidates of the Republican Party for elector from Alabama was a Negro; or that, if contestant or Harding were elected, negroes would attend the white schools or would ride in the same coaches on the trains with the white people, or would lodge at the same hotels with them, or would begin intermarrying with the whites, or to engage in

divers and numerous other forms electioneering against contestant and of electioneering for contestee; and contestee denies that by that means qualified voters were induced to vote for contestee or to refrain from voting who desired to, and in the absence of such electioneering and malconduct would have voted for contestant, and denies that should such votes be taken from the votes cast for contestee and added to the votes cast for contestant that contestant's votes would be increased to or beyond the legal votes given for contestee, but in reply contestee avers that fraud, malconduct, or corruption was committed at said election by inspectors, clerks, markers, and other partisan friends and supporters of contestant, in that during the holding of said election and on election day, they caused or permitted many polling places to become crowded with partisan Republican supporters of contestant, and that such friends and supporters of contestant, in violation of law, electioneered for contestant and solicited of voters the privilege of marking their ballots, and did make many illegal and false statements to voters, inducing them to permit their ballots to be marked for contestant, which without said improper, illegal, and mal conduct would have been cast for contestee and contestee's majority over contestant would have thereby been increased;

7. Contestee denies that the inspectors, clerks, and returning officers, Democratic partisan supporters of contestee, were guilty of the fraud, malconduct, or corruption in said election, as charged in paragraph 7 thereof, and he denies that they did knowingly and intentionally and for the purpose of influencing the voters to cast their ballots for contestee, permit partisan supporters of contestee to congregate within 30 feet of the voting places and then and there electioneer for contestee and against contestant, and that thereby voters were influenced to vote for contestee and against contestant, which if deducted from the votes given to contestee would reduce the number of the legal votes cast for him to or below the number of legal votes cast for contestant, but in reply contestee avers that partisan supporters of contestant did congregate within 30 feet of the voting place at many of the voting places in said district and then and there electioneer for contestant and against contestee, and that thereby voters were influenced to vote for contestant and against contestee, which if deducted from the votes given to contestant would increase the majority over contestant received by contestee.

8. Contestee denies that "markers," inspectors, and clerks and divers other persons were guilty of fraud, malconduct, and corruption in said election, as charged in paragraph 8 thereof, and denies that they did knowingly and intentionally suggest to voters, whom they were assisting in marking their ballots, that they should cast their ballots for the Democratic ticket on which appeared the name of contestee, or that they did suggest to said voters that they should vote for said contestee, and that thereby voters were influenced to vote for contestee, which votes, if deducted from the votes counted for him, would reduce the number of legal votes cast for him to or below the number of legal votes cast for contestant.

9. Contestee denies that the malconduct, as charged in paragraph 9 thereof, was committed by the county officials of the several counties having charge of said election and denies that the voters were compelled to mark their ballots in the presence and sight of Democratic partisan supporters of contestee, and denies that many qualified voters, who desired to vote for contestant and who would have voted for him if they could have done so in secret, were thereby deterred from voting for contestant and influenced to vote for contestee, or not to vote at all, and denies the implication therein charged that the Republican voters were afraid or ashamed to vote the Republican ticket openly, or desired to do so secretly or clandestinely, but contestee avers that contestant received the Republican vote of said congressional district and more than that vote.

10. Contestee denies that the county officials and election officials were guilty of the malconduct in said election, as charged in paragraph 10 thereof, and denies that Republican voters who were absent from home and who were qualified and entitled to cast an absentee ballot under the laws of Alabama, and who would have voted for contestant, were denied the proper and necessary blanks as therein charged, and denies each of the other averments therein of improper or illegal conduct by the county officials and election officials, and denies that Republican ballots were removed by the probate judges as therein charged and Democratic ballots for contestee were substituted therefor, but avers that all such votes were counted as cast.

11. Contestee denies that county officials and election officials, Democratic campaign committeemen, and divers other persons, partisans of contestee, con-

spired, confederated, and agreed together corruptly and fraudulently, as charged in paragraph 11 thereof, to procure the votes for contestee of persons whom they knew to be disqualified to vote, and he denies that any such conspiracy extended throughout said district, and denies that as a consequence thereof many persons who were not qualified to vote cast their votes for contestee.

12. Contestee denies that the officials whose duty it was to furnish each precinct with a sufficient number of ballots to accommodate all legal voters were guilty of misconduct in said election, in this, that in many places they did not furnish a sufficient supply of said ballots, as charged in paragraph 12 thereof, and that as a consequence many qualified persons desiring and intending to vote for contestant were illegally deprived of the opportunity to vote for him.

13. Contestee denies that the registrars of voters were guilty of the misconduct in said election, charged in paragraph 13 thereof, in that they did afford every convenience and opportunity to supporters of contestee to register and throw every possible obstacle in the way of supporters of contestant to register, and denies that they did knowingly register many supporters of contestee who were disqualified and did prevent many qualified supporters of contestant from registering, and denies that thereby many votes were gained for contestee and many votes lost to contestant.

14. Contestee denies that the registrars of voters were guilty of the misconduct charged in paragraph 14 thereof, and separately denies that they were guilty of each separate act in that paragraph charged, but in reply avers that the registration of persons eligible to be registered was conducted fairly and impartially between the Democratic and Republican eligibles and that no discrimination as to persons, notice, time, or place was practiced, and that, so far as possible, an opportunity was given to every eligible person to register, and that if any advantage was obtained in said district in the registration of persons eligible to register contestant and the Republican party obtained the advantage, in that Republicans and supporters of contestant brought to the places of registration persons in large numbers to be registered, who thereby congested the places of registration with supporters of contestant and the Republican party.

15. Contestee denies that the State officials, county officials in the several counties of said district, members of the Democratic State committee, members of the State legislature, members of the Democratic county committees, members of the Democratic campaign committees for the State and several counties, members of the board of registrars in the several counties, contestee and divers other persons, supporters of contestee, conspired, confederated, and agreed together, as charged in paragraph 15 thereof, to postpone to as late a date as possible the enactment of a law for the registration of the women of the State and to allow as little time as possible for their registration, and then to so manipulate and administer said law as to operate as much to the prejudice of the supporters of contestant as possible, and as much to the advantage of contestee as possible; and denies that in the execution of any such conspiracy they did deprive many supporters of contestant of the opportunity to register and did illegally and fraudulently register many supporters of contestee, but contestee avers that the governor of the State of Alabama with reasonable dispatch called an extraordinary session of the legislature of the State after the nineteenth amendment to the Federal Constitution had been ratified, so that provision could be made for the registration of the women of the State; and that the legislature convened, enacted a law providing for the registration of the women, which law was put into effect with such reasonable dispatch as possible to enable the women to be registered before the election took place on November 2, and that, considering the short time within which all of this was done after the ratification of said nineteenth amendment, the women eligible to vote in the seventh congressional district of the State were given the opportunity to register, and substantially all of them, whether Democratic or Republican, did register.

16. For further answer and reply to said notice and statement of contest, contestee is informed and believes, and therefore alleges, that in the several counties of said congressional district, and especially in the counties of Cullman, Dekalb, and St. Clair, members of Republican committees, or other Republican partisan supporters of contestant, in violation of the constitution and statutes of the State of Alabama and for the purpose of influencing such persons in the casting of their votes, paid the poll taxes of great numbers of persons who had not for several years theretofore paid their poll taxes, and as a consequence thereof many persons were induced to cast their votes for

contestant who were disqualified to vote on account of their failure to pay such taxes and who would not have cast their votes in said election, which said votes, if deducted from the votes received by contestant, would greatly increase contestee's majority over him.

17. Contestee is informed and believes, and therefore avers, that members of Republican committees or other Republican partisan supporters of contestant in the several counties of said congressional district, especially in the counties of Cullman, Dekalb, and St. Clair, induced many persons to register and to cast their votes for contestant who, under the constitution and the laws of the State of Alabama, were not qualified to register and vote, and as a consequence thereof many disqualified persons cast their votes for contestant, which, if deducted from the votes received by contestant, contestee's majority over him would be greatly increased.

18. Contestee admits that the board of canvassers authorized by law to determine the result of said election has heretofore declared contestee elected as Representative from the seventh congressional district of Alabama in the House of Representatives of said Sixty-seventh Congress, and contestee alleges that he was elected to said office and that contestant was not elected.

L. B. RAINEY,
Contestee.

STATE OF ALABAMA, *Etowah County:*

To whom it may concern:

I hereby constitute and appoint William C. Rayburn as my true and lawful agent to serve on Charles B. Kennamer copy of my answer to his notice and statement of contest of my election as Representative in the Sixty-seventh Congress of the United States from the seventh congressional district of Alabama.

Witness my hand this the 31st day of December, 1920.

L. B. RAINEY,
Contestee.

I, Charles B. Kennamer, contestant, hereby acknowledge service and receipt on this date of a copy of the foregoing answer of L. B. Rainey, contestee, to my notice and statement of contest, which service was made by William C. Rayburn, who also handed me copy of said answer.

This January 6, 1921.

Contestant.

TESTIMONY FOR CONTESTANT.

NOTICE TO TAKE DEPOSITIONS.

To L. B. RAINEY, *Esq.*

Take notice that it is the intention of Charles B. Kennamer, contestant, to examine the witnesses mentioned in this notice at Fort Payne, DeKalb County, Ala., on Thursday, January 13, 1921, before J. A. Downer, commissioner.

The names and addresses of the witnesses are as follows, to wit: John B. Isbell, A. F. Brock, R. G. Hawkins, Ben Blake, M. A. McCurdy, Fred Robertson, G. L. Malone, R. J. Guest, C. J. Scott, G. G. Guest, D. L. Campbell, G. R. Horton, and P. G. Pendegrass, all of Fort Payne, Ala. H. H. Smith, Paul Gilbreath, J. V. Mitchell, and J. C. Jordan, all of Collinsville, Ala. Ed. Pool, Paul Pool, A. P. Smith, R. A. Burt, and T. J. McAlpin, all of Groveoak, Ala. Will Elrod, W. V. Graves, John Gravitt, and E. I. Graves, all of Fyffe, Ala. J. F. Wade, of Dawson, Ala. J. M. Scott, Flat Rock, Ala. R. Lee Harrison, G. O. Durham, of Chavies, Ala. W. J. Jones, of Henegar, Ala. Sam McPherson and Gilbert Davis, of Crossville, Ala.

THOS. H. STEPHENS,
Attorney for Contestant.

I, Thomas H. Stephens, attorney for Charles B. Kennamer, contestant, hereby certify that I executed the foregoing notice by leaving a copy of the same with L. B. Rainey.

THOS. H. STEPHENS,
Attorney for Contestant.

AGREEMENT OF PARTIES.

1. It is hereby agreed between the parties to this contest that when either party desires to object to any question or the answer to any question propounded by or for the other party, it shall be sufficient for the commissioner simply to note that the party objects, and the grounds for said objection may be assigned and set out on the submission of this cause.

2. It is further agreed between the parties that the commissioner designated to take testimony for contestant shall furnish contestee with a copy of said testimony, and the commissioner designated to take testimony for contestee shall likewise furnish the contestant with a copy of said testimony.

3. It is further agreed that the taking of testimony begun at Fort Payne on the 13th of January, 1921, may continue from day to day until all the witnesses on the list presented on the contestee in the notice of said examination have been examined.

This agreement set out in paragraphs 1 and 3 hereof shall only be binding as to the testimony taken at Fort Payne under the notice of January 13, 1921.

This the 13th day of January, 1921.

C. B. KENNAMER, *Contestant*.

L. B. RAINEY, *Contestee*.

Depositions of witnesses examined before J. A. Downer, notary public and duly authorized commissioner to take the depositions of witnesses in behalf of C. B. Kennamer, contestant, wherein the said C. B. Kennamer is contesting the election between himself and L. B. Rainey for a seat in Congress from the seventh congressional district of Alabama, and the said C. B. Kennamer and L. B. Rainey both being present in person and by their attorneys, the said Kennamer being represented by Thomas H. Stephens, of Gadsden, Ala., and C. R. Robinson, of Ashville, Ala., and the said Rainey being represented by ———, of ———.

Personally appeared before me, J. A. Downer, a notary public in and for Dekalb County, Ala., and duly authorized commissioner to take the testimony for contestant in the above-entitled cause, being appointed by said contestant to act as said commissioner, and the depositions of witnesses to take in his behalf, the witnesses named in and who subscribed the following depositions, being personally known to me, and being duly sworn to speak the truth, deposed as follows:

JOHN B. ISBELL, witness for contestant, testified:

Q. Where do you reside?—A. Fort Payne, Ala.

Q. What is your occupation?—A. Farmer and lawyer.

Q. How long have you been a practicing attorney?—A. Twenty-four years.

Q. Did you vote in the election on November 2, 1920, in Fort Payne?—A. I did.

Q. Where was the election held?—A. In the county court room at the county courthouse.

Q. Were there any election booths for the voters to mark their ballots in?—A. There was not. Tables were used in the county court room.

Q. What were the conditions as to its being crowded around the voting place or in the room where the election was held?—A. Very muchly congested.

Q. In your best judgment, about how many people would be in the voting place at the same time?—A. From 6 to 20 would be my best judgment, sometimes there were few, at other times there were many.

Q. Whose duty is it to see that proper booths are prepared at election precincts under the laws of Alabama?

Contestee objects to said question.

Q. Is it the duty of the county officials?

(Contestee objects.)

A. It is my understanding that it is.

Q. Do you know the county officials of Dekalb County?—A. I do.

Q. What is their politics, are they Republicans or Democrats?—A. They are Democrats, that is the probate judge, sheriff, and clerk are Democrats, several other of the county officials are Republicans, just have been elected.

Q. The Republicans you speak of were elected at the election held in November, 1920.—A. Yes, sir.

Q. Did the sheriff, probate judge, and clerk of this county appoint the election managers to hold the election in 1920?—A. It was their duty to do so, and I presume they did.

Q. Are you acquainted with any of the election clerks and managers appointed to hold the election?—A. I am.

Q. How many Democrats and how many Republicans were appointed at each precinct?—A. Two Democrats and one Republican were selected as managers of the election in each precinct, the clerks consisting of one Democrat and one Republican, the returning officer, as I remember it, was a Democrat, might have been some exceptions as to the returning officer, but I do not remember about that.

Q. Were these Democratic officials active in the campaign for the contestee?—A. It's my judgment that they were.

Q. Are you acquainted with the registrars appointed to register the voters of Dekalb County for the election to be held November 2?—A. I am.

Q. How many were appointed?—A. Three.

Q. What was their politics?—A. All three of them were Democrats.

Q. Were all three of them partisan supporters of contestee?—A. I think they were.

Q. Do you know of any discrimination that they made in registering between Democratic voters and Republican voters?—A. I could not say about that.

Q. Do you know how many voters were registered in this county?—A. I know how many women registered up until the time we inspected the books after the registrars had closed the registration amounted to 4,825. I do not remember exactly the number of males registered, but I believe the records show a smaller number of males than females.

Q. On what date did the registration close by law?

Contestee objects.

Q. Did you demand to see the registration books when they were closed?—A. I demanded the inspection. I demanded the books that I might inspect them to ascertain the number of women who had registered just prior to the election, November 2, 1921.

Q. State what occurred between you and the registrar when you demanded the books to be inspected.—A. In company with Frank Brock of Fort Payne, immediately after the registrars announced that the books were closed, I went to the office of the judge of probate of Dekalb County, Ala., and Mr. Brock and I asked to see and inspect the registration books in order that we might ascertain the number who had registered. The probate judge looked through his office and we found all of the registration books, except the last book handled by the registrars, or made out by the registrars. The last book, which was the eighth book, could not be found or located in the office of the judge of probate. The probate judge then phoned to the residence of Mrs. Mary E. Pope, of this city, to locate Will Elrod, who was one of the registrars. Elrod was located there at his room. Frank Brock and myself went to the boarding house and to the room where Will Elrod, one of the registrars for Dekalb County, was located. He was at his room. Brock and I went in the room where he was and we asked him to allow us to inspect the registration book that we might check up and see how many women had registered in Dekalb County. He refused to allow us to inspect the registration book. We prevailed on him at length to do so, and he continued refusing to allow the inspection of the book. We returned to the office of the judge of probate, and, as I remember it, the said Elrod was either then in the probate judge's office, or came in a few minutes. In the presence of the probate judge, Will Elrod, the said registrar, Frank Brock, Payne Stewart, and myself, we renewed our request that they allow us the privilege of inspecting the registration book. He had the book under his arm at this time, but refused to allow us to inspect it. We stayed in the office of the judge of probate—I mean Frank Brock and myself—for something like an hour and a half to two hours, prevailing on the probate judge and Will Elrod, the registrar, to allow us permission to inspect the registration books and count the number of names on the book that had registered. I suggested to the judge of probate that he sit down by my side and we would count the names together. They still refused to surrender this book. We had checked all the names on all the other seven books. Finally, we told Judge Croley, and, as I remember, Elrod was then in the office also, that if they didn't allow the book inspected that we were going to phone the news to every county in the seventh congressional district that night.

Judge Croley said to Brock and me, "Let me speak to Will Elrod; I will see if we can't arrange it. I prefer that he let you inspect the book." The probate judge retired to the hall, or aisle, of the courthouse, where he and Elrod talked the matter over; at any rate they both came back in the probate judge's office, and in the vault of the probate judge's office, the judge saying "I think we have it arranged for you to inspect the book." At that time Will Elrod, who had possession of the book, drew it from his pocket, or under his arm, stating to me at the time, "Well, it's agreed we add the names, is it"? I said "No, that's what we want the book for, to keep you from adding the names." He put the book back in his pocket or under his arm and remarked, "Then I can't let you have the book." He kept it in his possession for a few minutes and finally threw it down on the table beside Judge Croley and walked into the front room, out of the vault. Then Mr. Brock and I finished checking the names who had registered, amounting, as I remember it, 4,825. Referring further to the conversation at Mr. Elrod's boarding house, will say that Brock and I went upstairs to his room. Mr. Elrod and Charles J. Scott, a Democrat, a law partner of mine, and mayor of the city of Fort Payne, were in the room together. Scott went down stairs, Mr. Elrod, Brock, and myself went into his room. At first Elrod agreed to let us inspect the book, but never turned it over for inspection. As I remember now, Elrod was called to answer the telephone; I think he had to go down stairs. After returning from the telephone he refused to allow the book to be inspected.

Q. After that, did you have any conversation with either of the registrars?—A. I did.

Q. Which one, and where was it?—A. J. Fletcher Wade, at the south door of the courthouse steps.

Q. When was that?—A. It was before the election and on the evening of the last day of the holding of the board of registrars.

Q. State the conversation.

(Contestee objects to stating conversation.)

A. Mr. Wade, who was of the Dekalb County registrars, told me that they had registered about 200 women who had not been before the registrars—by proxy.

Q. Anything else you haven't stated that you think of?

Contestee objects to voluntary statements not prefaced by question.

A. I saw the county board of registrars issue certificates of registration and hand to different parties to be turned over to women of the county.

Q. You mean women that did not appear before the registrars?—A. I mean women that did not appear before the registrars. I call to memory at this time the wife of Dr. Killian, also, who registered before the registrars and who had lived in the State for only a few months. This lady lived within a few miles of Mr. R. A. Burt who was chairman of the board of registrars, who was well acquainted with Dr. Killian and knew when Dr' Killian married the woman and brought her into the State.

Q. Is Dr. Killian a Democrat or Republican?—A. He is a Democrat. I understood that this woman was from North Carolina, but that perhaps she had been teaching school in Alabama. She was married in North Carolina.

Q. Had she been in Dekalb County 12 months prior to the registration?—A. She had not.

Q. Do you know of the registrars registering any voters at any other place— at any place other than the courthouse between the 19th and 26th of October?—

A. I was not with the registrars from the 19th to the 26th, but circulars were struck and issued over the county that they would be at certain voting precincts on the days mentioned in the circulars. I presume that these appointments were met. The registrars did not remain at the courthouse continuously from the 19th to the 26th, the dates they were to be registered at the courthouse.

Cross-examination:

Q. What days were the registrars absent from the courthouse between the 19th and the 26th?—A. Not having their published list of appointments over the county, I am unable to state what dates they were absent from the courthouse.

Q. Will you state that there was a single day between the 19th and the 26th of October when the board of registrars did not sit at the courthouse in Dekalb County, Ala.?—A. I think they were here continuously—I think I am straight on that. I think they were here continuously from the 19th to the 26th inclusive.

Q. Was not the present commissioner and yourself law partners until the last election and until the last few weeks?—A. Yes, sir.

Q. What is Mr. Downer's politics?—A. A Republican.

Q. Did you attend a meeting of the Republican managers and clerks held at the courthouse on Saturday before the November election, at Fort Payne?—A. I attended a Republican meeting at the courthouse on Saturday before the election. As I call to memory, this was not a meeting of the managers and clerks, but just a general political meeting of the Republicans.

Q. Is it not a fact that the Republican managers and clerks of the county had been especially and particularly requested to attend this meeting?—A. I do not remember about that, as I did not make the call, but I do remember that we tried to have the various beats of the county represented. I do not remember whether it was the beat chairmen of the county that were called together or the managers and clerks for the Republicans. At any rate we had a general Republican rally, with good attendance, several short speeches and much enthusiasm manifested.

Q. Is it not a fact that in this meeting all Republicans were instructed and urged to vote not later than 10 o'clock on the morning of the election if practicable?—A. It is my recollection that in said meeting we urged that the Republicans go to the polls and have the victory won by 10 o'clock.

Q. Is it not a fact that at this same meeting you instructed the representatives from the various precincts of the county that were entitled to have markers present inside the polling places during the election and urged them to select and have their markers present?—A. I do not remember about that. But I do remember that we instructed our forces to keep on the lookout and try to see that the election was carried on fair. It may be possible that we instructed the folks that all who could not fill their own ballots had the right to call on any one they saw proper to assist them in making out their tickets.

Q. What period of the day was the greatest rush in this precinct—No. 9, Dekalb County?—A. From the time the polls opened and far into the afternoon the crowd were awfully congested, both inside of the county court room where the people were voting and at the door.

Q. Is it not a fact that by 11 o'clock the lines standing in the hall had all voted and there was easy passageway to the polls?—A. That is not my recollection of it. I think they were muchly crowded until in the afternoon.

Q. Is it not a fact that from 12 o'clock until some time in the afternoon, say about 3 o'clock, that there was not over 6 to 10 persons in the hall and in the court room at any one time desiring to vote?—A. That is not my recollection of it. It is my recollection that it was crowded until afternoon.

Q. What time during the day did you vote?—A. I came over about the third time to vote and it was so crowded I could not get in. The last time I came I fell in line, wife and I, and marched in line until we got to the courthouse door, and it is my recollection that we voted something near 12 o'clock.

Q. After voting and leaving the polling place, how many time were you back inside the county court room where the election was being held?—A. Several times.

Q. About how many tickets did you mark during the several times?—A. The number of tickets that I marked I could not state, but at the request of the electors I filled out and assisted in filling out quite a good many tickets, roughly guessing. I should say 25 or 30.

Q. Had the parties whose tickets you filled or assisted in filling made oath in writing that they were unable to read and write and were sent for by the managers and requested to enter the poles and fill tickets for these parties?—A. I was chosen by the county chairman of the Republican Party as a watcher, but I shifted this job to some one else, I forgot who; if the managers of the election ever sent for me to come in and fill ballots, I have no recollection of it. I was frequently called upon to render assistance. I did not respond to many of the calls, because I told them Ben Blake would assist them in filling out their tickets, who, as I remember, was the watcher. I know nothing about the oaths being administered to the electors that they were unable to fill their tickets.

Q. As a lawyer, did you not know that Mr. Ben Blake having been selected by his party as a watcher would have been in violation of law in marking or assisting in the marking of tickets?

(Contestant objects.)

A. By reference to the law I guess I would have, but during the jam we were getting by as best we could.

Q. I will ask you to state in what way each of the county officers, Judge Croley, the sheriff, and the circuit clerk were active in the campaign as stated by you in your direct examination, stating the activities of each separately.—

A. I base my statement on the fact that we had on here in the seventh congressional district one of the warmest contests for Congress we had ever had, and that each of the three named gentlemen, J. A. Croley, probate judge, D. L. Campbell, clerk of the circuit court, and A. P. Chitwood, sheriff of the county, were all three strong Democrats.

Q. Do you know of your own knowledge that either of these gentlemen mentioned made a speech, wrote a letter, or left the courthouse in any way in connection with the Democratic campaign in the county or district?—A. Neither of the three are political speakers. As to their private personal letter I can not say. I can not say whether they left the courthouse or not in the interest of their ticket.

Q. Is it not a fact that when you and Mr. Brock went to Mr. Elrod's room on the day the registration closed you demanded that the registration books be turned over to yourself and Mr. Brock?—A. We asked that the books be turned over for inspection, that we might count the number that had registered; and we invited them to sit by us and see that we made an inspection in their presence. It was only an inspection of the books that we asked; we did not want to run off with the records, but to check up on the number of electors.

Q. Is it not a fact that you stated to Mr. Elrod at his room that he was assuming a very great responsibility and threaten him with serious consequences if the book was not delivered to you?—A. That is not a fact; Elrod knows that I asked him to see the book, not to take charge of the books, but to see how many names was in it. He refused to allow it; I told Elrod he could not afford to refuse us inspecting the book. After we came to the courthouse, in the presence of several of us, I did tell them if they refused to let us count the names in the book that I was going to narrate it all over the district that night, which I did as best I could over the telephone.

Q. At the time you were demanding these books did you not, as a lawyer who had been practicing for 24 years, know that the board of registrars had two weeks in which to complete and file their report with the probate judge before they became a public record and subject to public inspection?

(Contestant objects.)

A. The registrars announced at the courthouse that the books were closed, that no one else would be allowed to register. This was about 4 o'clock in the afternoon of the 26th, as I remember. All the books except this last eighth book was in the office of the judge of probate and in the hands of his clerks, who were making a poll list of the voters, and all subject to inspection, except the one we asked to inspect.

Q. I will again kindly ask you to please answer the question which I have just asked you, or refuse to do, as you see fit.—A. Since the registrars were turning the books in for public inspection I felt that we had the right to inspect them.

Q. Do you not know, Mr. Isbell, that the clerk in whose hands you found the books were clerks in the employ of the board of registrars for transferring the names to a card index?—A. I do not know about that; I took them to be clerks of the probate judge. They were working in his office and at other places in town. One of the books was at Judge Croley's home and his wife was fixing it; another was down at the soda fountain in town being made up by Mr. Emmet and others, and I think there was one in the sheriff's office or the superintendent of education's office. Judge Croley seemed to have charge. If they were working under the registrars I did not see anything that indicated it. Further, it was my understanding that the registrars turned these books over to Judge Croley for him to make up his polling list; I could be in error about that.

Q. Was either of the registrars or Judge Croley present at the time you examined the books in the vault of the courthouse, or did you find them in the hands of the various clerks you have mentioned, and did you not take the books from them to make this examination?—A. Judge Croley was present, but neither one of the registrars as I remember. Judge Croley assisted me in getting hold of these books that were in the probate judge's office. Some of them were then being used by clerks and some were completed. I remember that Judge Croley handed me some of the books for inspection. There wasn't

any trouble in getting hold of any of the books for inspection except the last book, handled by the registrars.

Q. Was Judge Croley in the vault with you at the time you examined these books, other than the one you say was kept out by the registrars?—A. Judge Croley was with me in his room and in the vault, but all the books were not in the same room. Some were in the room where Judge Croley was. The books being used by the clerks, I think I inspected them in the absence of Croley and then went into the room where he was and told him that I would like to see the rest of the books. He found some of the books in his rooms, as I remember it.

Q. What is the population of the town of Fort Payne?—A. The city of Fort Payne contains a population of 2,025.

Q. Have we ever had booths in an election held in this town?

(Contestant objected.)

A. Yes, sir; we used to have voting booths in the town of Fort Payne. I do not know what became of them, and we have not used them for a few years.

Q. Have we used booths in this town since the adoption of the present election law contained in the Code of 1907?

(Contestant objected.)

A. I do not remember how long since we used them; it has been several years.

Q. Is it not a fact that booths are only required in incorporated cities and towns having a population of more than 3,000?—A. For answer I refer to the Code of 1907.

Q. I will ask you to give us a list of those to whom you saw the board of registrars issue certificates of registration when they were not present before the board.—A. I do not remember their names, but I do call to memory that Dr. Killian's mother was one of them.

Q. Name any others that you call to mind.—A. I said I couldn't call the names.

Q. I will ask you to restate the number of women who were on the registration books at the time you made your inspection.—A. To the best of my recollection the number was 4,825. I made a list of them on a card, and the card is in my office.

Q. Did you make any note or memorandum of the number on the books at the time?—A. I did.

Q. Do you not know that according to the public records in the office of the judge of probate of Dekalb County that there were only 4,805 women registered in Dekalb County during the recent registration for women?—A. I have made no further count. The records may show that.

Q. I will ask you to state Mr. Kennamer's majority in Dekalb County in the recent election.—A. I could not give the exact figure on it, but it was 950, more or less.

Q. Is this not the largest Republican majority ever received by a Republican candidate in Dekalb County within your knowledge?—A. Yes, sir.

Q. Is it not a fact that you and your former partner, Mr. Downer, have been very active in Republican politics in Dekalb County during the past few years?—A. I did not make a single political speech outside of the town. I think Downer made one or two political speeches. I was very active in the campaign in a way, and so was Downer.

Q. Is it not a fact that considerable amount of campaign money passed through your office and was used or distributed by you or Mr. Downer?—A. There was not one dollar of campaign money passed through our office.

Q. Is it not a fact that you furnished the money to pay or paid the poll taxes for a number of Republicans in Dekalb County just prior to the recent election?—A. Yes; I furnished considerable money to help Republicans so that they might qualify themselves for voting. In each instance it was a staunch Republican, and it was not to persuade them as to how they should vote, but to qualify them to vote as they please. This was all done prior to February 1, 1920, the date fixed for paying up poll taxes.

Redirect examination:

Q. How many voting places were there in Fort Payne on November 2?—A. One.

Q. How many votes were cast at that election?

(Contestee objects.)

A. Approximately 800 to 1,000.

Q. The probate judge, the clerk, and sheriff of the county appointed twice as many Democratic managers as they did Republican managers?—A. Yes; in each precinct.

Q. Do you know about the sheriff of the county taking prisoners out of jail and voting them for the contestee?—A. One prisoner, under sentence to the penitentiary, I understand, was removed from the county jail and taken to the polling place to vote.

Q. Was the prisoner convicted of a felony?—A. Yes, sir. This sentence was suspended pending appeal to the supreme court. My firm represented him.

Q. Did the records made up by the registrars contain the names of men that had registered as well as women?—A. I do not know. I did not take time to see whether they were male or female.

Q. The number 4,825 was all the names on the eight books?—A. Yes; correct, and arrived at by counting the number of names on one page, counting the number of pages, and making a multiplication.

JOHN B. ISBELL.

H. L. GRAVES, examined for contestant, testified:

Q. Where do you reside?—A. At Fyffe in this county.

Q. Were you one of the managers at the election at Fyffe in November?—A. Yes.

Q. Do you know of any illegal votes being cast at that precinct?—A. I know of two.

Q. Who were they and how illegal?—A. A lady voted who had just resided in this county 10 months.

Q. Was she registered?—A. I suppose so.

Q. Was her name on the qualified list?—A. I do not know; I wasn't looking after that part. We objected to her husband voting and he went back to Cherokee, but she voted.

Q. Was she a Democrat?—A. They were known as Democrats.

Q. Who was the other illegal vote that was cast?

Contestee objects.

A. Mr. Guin Marshall.

Q. In what way was he illegal?—A. He was convicted of a felony and was in jail, and the sheriff brought him out there just before the polls closed. I didn't see the sheriff; they said the deputy sheriff was with him. I suppose they brought him back to jail.

Q. Was the prisoner a Democrat or Republican?—A. He was a Democrat.

Cross-examination.

Q. Do you know how either of the parties you have mentioned voted in the last election?—A. I do not.

Q. Was either of them challenged?—A. The lady was challenged.

Q. Was the person you spoke of as being brought from jail the same party about which Mr. Isbell was testifying?—A. I do not know. I understand he is waiting an appeal to the supreme court.

H. L. GRAVES.

J. V. MITCHELL, examined for contestant, testified:

Q. Where do you reside?—A. Collinsville.

Q. Were you present at the election in the precinct on November 2, 1920?—A. Yes.

Q. In what capacity?—A. I was supposed to be a marker or watcher.

Q. Were there any booths at the voting place for the voters to mark their ballots?—A. Nothing only just a plain table.

Q. How many voting places are there in Collinsville?—A. One.

Q. Were there more than 300 votes cast at the election?—A. I think there were, I don't remember exactly the number.

Q. Do you know of any illegal votes voted at that precinct?—A. I know of four.

Q. Name them and tell as you name them in what way they were illegal.—A. First, Miss Claudia Vaughn, of Ashland, Ala., she came there as milliner for H. M. Rosenblomm the last of August, 1920; second, Miss Agnes Weems, her home address is Crystal Springs, Miss., she voted; she came there about the 1st day of September, 1920, to clerk for Oliver Hall Co.; next Mrs. Thompson—Mrs. J. D. Thompson—she moved to Collinsville February 1, 1920, from out

the county; next is Mrs. R. S. Williams, who on the morning of the day the registrars were to be at Collinsville boarded the early train for Lexington, Ky., to remain there for something like 10 days or a week before she returned. She voted November 2. She did not register that morning because it was before the registrars met.

Q. Do you know how all these ladies voted?—A. I do; they voted the Democratic ticket.

Cross-examination.

Q. Say you watched how everybody voted?—A. I did those I could see.

Q. Did you also act as a watcher and a marker?—A. Yes; part of the time.

Q. About how many tickets did you mark?—A. Something like 40 or 50, perhaps.

Q. You were representing what party?—A. Republican.

Q. Could parties whose tickets you marked read and write?

Contestant objected to said question.

A. I don't know about that.

Q. Had they taken an oath before the managers that they could not read and write?—A. I do not know.

Q. Did the managers of the election send for you or request that you mark these tickets?—A. No, sir.

Q. Did you before entering the polling place take the oath as a marker or watcher, one or both?—A. I taken the oath like the others did.

Q. Did you act in both capacities, as watcher and marker?—A. I did.

Q. Is Collinsville an incorporated town?—A. It is, the population is something near 1,000.

Q. Do you know what the vote of that precinct was at the last governor's election?—A. I do not.

Q. It was less than three hundred, wasn't it?—A. I couldn't tell you.

Q. Did you fill the ticket of either of the parties of the illegal voters you have mentioned?—A. I did not.

Q. Do you know of your own knowledge how they voted?—A. I do. I know it by standing in front of the ticket where the marker was helping them and looking across.

Q. What is Mrs. Williams's husband's name?—A. He is commonly called Dick.

Q. How long have they resided in Collinsville?—A. All their lives. Longer than 15 years.

Q. Upon what do you base your conclusion that she was an illegal voter?—A. Because she was absent when the registers were in Collinsville.

Redirect examination:

Q. Were you designated as watcher or marker by the chairman of the Republican Party in this county?—A. I was.

J. V. MITCHELL.

H. H. SMITH, examined for contestant, testified:

Q. Do you know the registrars for Dekalb County?—A. Yes, sir.

Q. Did you have a conversation with either of them; if so, state when and where?—A. I had a conversation with Mr. Elrod in regard to the registration. In this conversation [contestee objects to the conversation]. The conversation was in regard to the fairness of the registration. Mr. Elrod said the registration was fair. I replied, "Do you call it fair when you refuse to register a Republican woman by proxy while you register a Democratic woman under the same circumstances?" The substance of Mr. Elrod's reply was, "Well, the election was close and I am a Democrat." That is the substance of the conversation.

H. H. SMITH.

J. R. JORDAN, examined for contestant, testified:

Q. Where do you reside?—A. Collinsville.

Q. Were you one of the managers at the election held November 2 at Collinsville?—A. Yes.

Q. Do you know Miss Claudia Vaughn?—A. I do.

Q. Where is her home?—A. Ashville, Ala., Clay County.

Q. How long had she been in Collinsville prior to the election?—A. About two months.

Q. Did she vote at the election?—A. Yes.

Q. Was she on the list of qualified voters of the precinct certified by the probate judge?—A. Yes.

Q. You know Miss Agnes Weems?—A. I do.

Q. How long had she been a citizen of Dekalb County before the election?—A. Since the 1st of September, 1920.

Q. Did she vote?—A. Yes.

Q. Was her name on the list as a qualified voter certified by the probate judge?—A. Yes.

Q. Do you know Mrs. Thompson?—A. Yes.

Q. How long had she been a citizen of Dekalb County before the election, 1920?—A. About nine or ten months.

Q. Did she vote?—A. She did.

Q. Was her name on the list of qualified voters?—A. Yes.

Cross-examination:

Q. Did you attend the Republican meeting at the courthouse on Saturday before the election?—A. I did.

Q. About how many attended that meeting, in your judgment?—A. I would say between two and three hundred.

Q. Fairly well scattered over the county, were they?—A. I could not say.

Q. State whether or not in that meeting the Republicans of the county were instructed and urged to vote by 10 o'clock on the day of the election.—A. They were.

Q. State whether or not they were instructed that they were entitled to have markers inside the polls during the election.—A. I don't remember.

Redirect examination:

Q. Why did they request you to vote early?

(Contestee objects on the ground that question was suggested by commissioner to counsel.)

A. I don't know as I can give it.

Q. Were there parties at the election marking for the Democrats?—A. Yes.

J. R. JORDAN.

FRIDAY, January 14, 1921.

W. F. ROBERSON, examined for contestant, testified:

Q. Did you vote in the election held November 2, 1920?—A. Yes, sir.

Q. At what precinct or box did you vote?—A. I voted in beat 9.

Q. Did you mark your own ticket?—A. No.

Q. Could you see to mark your own ticket?—A. No.

Q. How long have your eyes been affected?—A. All my life.

Q. Who marked your ticket?—A. Mr. Andy Chitwood.

Q. What office did Mr. Chitwood hold at that time?—A. Sheriff of Dekalb County.

Q. Did you request him to mark your ticket?—A. He came to me.

Q. What did he say?—A. He said, "How do you want it marked?" and I said "Mark it straight Republican straight through."

Q. Did he tell you that he marked it that way?—A. He says all right.

Q. What did you do with the ballot?—A. I carried it over there to Mr. Hawkins.

Q. What was said and done then?—A. Well, when I carried it over there Mr. Phil Wooten, my sister's son, says "Let me see," and it was marked straight Democrat.

Q. What was then done with the ballot?—A. I handed it to Mr. Hawkins and told him to mark it Republican.

Q. What did he then do?—A. Mr. Hawkins taken it; he was a manager.

Cross-examination:

Q. When did you pay your poll tax?—A. I have been exempt on account of my eyes.

Q. Have you got your certificate?—A. In moving around, I don't know whether I could find them or not, but Dr. McWorther and Dr. Appleton here at Collinsville and old Dr. Bailey gave me one away back yonder.

Q. You voted at the last election?—A. Yes; I voted the Republican ticket.

Q. Mr. Raleigh Hawkins, he's a Republican?—A. Yes, sir.

Q. And he looked at your ballot to see that you did vote the Republican ticket?—A. He looked at it and I told him I wanted to vote the Republican ticket.

Q. Is Phil Wooten a Republican?—A. Yes.

Q. Was he in here with you at the time you voted?—A. Yes. He is my sister's child.

Q. He can read and write?—A. Yes. If he couldn't have I would have had to carry it to some one else to see whether it was right or not.

Q. All you've got is what Phil Wooten says about it?—A. Yes; and Mr. Benton Shankle's girl that married Mr. Tate—she seen Mr. Chitwood fill it out.

Q. She was in the room at that time?—A. Yes; we came in together.

Q. Can she read and write?—A. I suppose so.

Q. You don't know anything about it except what they told you?—A. That's all I know.

Q. You are basing all your answers on what they told you?—A. Yes, sir.

W. F. (his x mark) ROBERSON.

Witness:

C. A. WOLFES.

G. L. MALONE, witness for contestant, testified:

Q. Did you know the registrars of Dekalb County last October?—A. I knew two of them personally and the other by sight.

Q. Did they have notices sent out that they would register people at places other than the courthouse between the 19th and 26th of October?—A. I couldn't say they had them sent out, but I saw some notices that were typewritten here in town; they were not printed.

Q. You say notices to that effect signed by the registrars?—A. Yes. Now, these notices called for night meetings at Adamsburg, Copeland Bridge, and Lydia; these are all I call to mind.

Cross-examination:

Q. It's a fact, isn't it, Mr. Malone, that they didn't have time to get notices anywhere?

(Contestant objected.)

A. The time was short and they had to be sent out personally.

Q. It's a fact, isn't it, Mr. Malone, that the registrars tried to give everybody a chance to register?—A. I didn't know about other places than this, and didn't all the time about this, but so far as I know one person had as good a chance to register as another.

Q. You are very conversant with political affairs in this county?—A. I don't know that I am; I usually take some interest in the election.

Q. The fact of the matter is your general store is Republican headquarters for the county?—A. No, sir; I have some Republican friends who come there to see me, and Democratic friends, too, I am proud to say.

Q. There was a considerable amount of Republican literature sent from your store?—A. Yes, sir; we had some Republican literature and sent it out and handed it out there.

Q. Isn't it a fact that at the registration at Adamsburg on the evening to which you refer the Republicans outnumbered the Democrats in registering?—A. I couldn't say; I wasn't there.

Q. Do you know anything about how the registration of the two parties compared at Lydia?—A. No, sir; I don't know anything about it.

Q. You don't know what notice those had at those several precincts?—A. No, sir.

Q. You just got a copy of the notice?—A. I think I had a man to come to either a registrar or county official; it came from the courthouse, I'll say.

Q. You don't know that the registrations held in the evening were so well advertised in the precincts referred to that the Republicans outnumbered the Democrats in registering?—A. I don't know that.

Q. It is a matter of common knowledge that that was the result?—A. I don't know that; I heard that.

Q. Were you appointed one of the markers at the recent election?—A. No, sir.

Q. At what time of the day did you vote?—A. Somewhere between 10 and 12 o'clock.

Q. Did you stand in line outside of the polling place?—A. Yes, sir.

Q. The officer at the door would let two in when two came out?—A. They would let in from two to four at the time when about the same number would come out.

Q. Were you here when the line of voters had disappeared outside the door?—A. Yes, sir; I was here in the evening; that was anywhere from 2 to 3 o'clock in the evening; they were practically cleared away; nobody standing in line.

Q. How many times do you think you have voted during your political career?—A. Well, I've voted every election that's ever been held since I was 21.

Q. How many times have you voted at this precinct?—A. The first time I ever cast a vote was here; I have been living here 21 years and have voted here every election since.

Q. You have on a number of occasions been an official at an election?—A. Two or three times. I will say.

Q. Taking into consideration the increased number of votes in this precinct occasioned by the women vote and their inexperience in such matters, I will ask you to state whether the election held at this precinct on November 2 was not as orderly as any election held here.

(Contestant objects.)

A. Well, there seemed to be more confusion than any election we have held since I have been voting here.

Q. What caused that confusion?—A. So many more people; they were jammed and crowded.

Q. The jam and crowd was outside the door?—A. Yes; there was more inside the room than I had ever seen at any election.

Q. You were asked to mark some ballots yourself and came up here and marked them?—A. Yes.

Q. You came in the voting place several times during the day?—A. I think three times—when I voted and twice besides.

Q. Do you remember whether the parties had you assist them in marking tickets were women or men?—A. If I'm not mistaken, I marked four women's and two men's tickets.

Q. Do you remember bringing some of the Stephens up here?—A. No, sir; I never brought any of the Stephens; I didn't bring any one.

Q. Did you handle any of the funds of the Republican Party during the last campaign?—A. Yes.

Q. How much money do you suppose you had as funds for the Republican Party?—A. I had \$390.

Q. Was any of this money used in the paying of poll taxes prior to the election?—A. No, sir.

Q. Did you personally advance any money for the payment of poll taxes?—A. I loaned some men some money; they said they wanted to pay their poll taxes and I loaned them some money and took their notes. That was my personal money.

Q. How much do you think that amounted to?—A. I never kept tab on it—two or three hundred dollars.

Q. Do you know they were going to vote the Democratic ticket?—A. I don't know how they were going to vote; they didn't talk like they were going to vote the Democratic ticket.

Q. You say you have notes covering the money advanced?—A. Some of them I took notes, some of them I advanced on open accounts and put it on my books.

Q. Have any of these notes or accounts been paid?—A. They have.

Q. What was the largest amount that any one person borrowed from you to pay their poll taxes with?—A. \$27 or \$27.50.

Q. Do you remember who that party was? If so, state who.—A. Tom Wooten.

Q. What was the lowest amount you advanced?—A. I don't remember. It was either \$3 or \$4.50.

Redirect examination:

Q. If the governor of Alabama had called the legislature in session immediately after the ratification of the nineteenth amendment to the Federal Constitution and the legislature had passed a law for the registration of women the first days of its session and the registrars had been appointed immediately after the enactment of the registration law, registrars could have visited every precinct in Dekalb County and given ample time to register all voters?

(Contestee objected.)

A. I couldn't say as to all that; they would have had several more days, more time.

Q. The money that you loaned personally was to persons who said they wanted to pay poll taxes and was loaned prior to the 1st day of February, 1920?—A. Yes; it was before the 1st day of February, 1920.

Q. Is it not a fact that the places visited by the registrars for the purpose of registering voters in October, 1920, were places that heretofore had been Democratic?—A. Well, I believe the majority were.

Recross-examination:

Q. What was the date when the Secretary of State of the United States certified the adoption of the nineteenth amendment?

(Contestant objects.)

A. I don't know.

Q. When did the governor of Alabama call the legislature into special session after the adoption of the nineteenth amendment?

(Contestant objects.)

A. I don't know.

Q. What is the shortest time under the constitution of the State of Alabama within which the legislature can pass a bill?

(Contestant objects.)

A. I don't know.

Q. Do you really believe that the Republicans could have registered more voters if they had had longer time?—A. Yes.

Q. Where would you have found them?—A. In almost every beat in this county.

Q. You had every beat worked, didn't you?—A. I couldn't say about that; we tried to get in all we could.

Q. You didn't overlook any on purpose?—A. I reckon not.

Redirect examination:

Q. From your general knowledge of Dekalb County with reference to its citizenship, about how many Republican women in the county were not registered?

(Contestee objects.)

A. From talks I have had with men in different parts of the county, I would say from 150 to 300.

G. L. MALONE.

A. P. SMITH, examined for contestant, testifies:

Q. Were you a manager of the election in precinct No. 17 in Dekalb County on November 2, 1920?—A. I was.

Q. Was there more ballots in the ballot box than there were voters on the poll list at that box?

(Contestee objects.)

A. There was.

Q. How many more?—A. Eight is my recollection.

Q. Was there any disturbance at that box, and if so about what time of the day?—A. There was, and it was between 9 and 10 o'clock, probably 10.

Q. What was the disturbance?—A. The first disturbance was that we saw that we couldn't vote the people with the amount of assistance or markers that we had in the room, and we called for two more, a Democrat and a Republican, and some one went to the door—Mr. Whitmire, I think—and got Mr. Ed. Poole and Mr. Thad Lamunyon. When they came in Mr. Poole suggested that we open the middle door so they could come in at one and go out at the other. Mr. Sizemore ran up to him and said in a very boisterous tone, "Have you come in here to open that door? I dare you to do it." Mr. Poole said, "I didn't come in here to open the door." They passed a few words in a kind of fussy way and quit and went on, Mr. Poole marking tickets and Mr. Sizemore kindly looking after the door. A little later Mr. Sizemore or some of the others which were managing opened the door and put Mr. McAlpin at the door to mind it, for the voters to enter at the middle door. A little later I heard a little unusual racket and a kind of a holler or word that I didn't understand; I whirled my head and Mr. Sizemore had struck Mr. Poole up there in the cheek and Mr. Poole was choking him from against the wall. Some one said, Mr. McAlpin said, "part them and don't let them fight." I walked up to them and taken Mr. Sizemore by the arm and was reaching for Mr. Poole's arm to pull them apart and someone struck me in the back of the head with his fist, I suppose, and I whirled my head to

see who it was, and before I could see he struck me in the temple. A little later on I found out that it was Grover Sizemore, a son of Will.

Q. What was Mr. Sizemore?—A. He was known as returning officer.

Q. Was he a Democrat or Republican?—A. He is known as a Democrat.

Q. Did you or not hear Mr. Sizemore say "You Republicans stand back and let these white Democrats vote"?

(Contestee objects.)

A. He said, "You Republican women stand back and let the white women—or white people, I don't remember which—vote."

Q. Did you or not hear Mr. Sizemore say anything else to any voter or voters; if so, state what?

(Contestee objects.)

A. At another time he said to some one, "Go around there and knock them Republican women down, knock them down I say, and come in here."

Q. Were all the voters in there white?—A. Every one.

Q. Was there a negro voter in that precinct?—A. Never has been that I know of.

Q. How many votes were polled at that box that day?—A. I wouldn't be positive, but I think it was 758; it might have been 658.

Q. Is there any other voting box in the precinct?—A. No.

Cross-examination:

Q. The confusion about which you speak was about 10 o'clock?—A. I think so; I expect the first of it was a little before 10.

Q. How many votes were cast for Mr. Kennamer in your beat?—A. I don't believe I am prepared to say. There was 114 majority for him over Mr. Rainey.

Q. That was about the normal vote all through the ticket?—A. Very nearly the same all the way through.

Q. For aught that you know the eight ballots may have been Republican votes?—A. I couldn't tell about that of my own personal knowledge.

Q. You couldn't tell whether they were Democratic or Republican votes?—A. I said I couldn't.

Q. Did not the registrars spend a day in your beat?—A. They spent practically a half day. They came in late after dinner and when they left I don't think there was any one on the place who wanted to register.

Q. Do you know where the registrars spent that forenoon?—A. I understood they spent it at Fyffe—beat 25.

Q. That is a neighboring beat?—A. Yes.

Q. Mr. McAlpin, the gentleman who was put at the middle door to act as guard, was a Republican?—A. Yes.

Q. How many votes were cast in your precinct at the last governor's election?

(Contestant objects.)

A. I don't remember; there was close to 400, I think.

Q. Well, the difference was largely made up by the woman vote?—A. Yes.

Re-direct examination:

Q. Did you put the eight extra ballots in the ballot box?—A. I did not. If I had I would have known where they came from.

A. P. SMITH.

SAM McPHERSON, examined for contestant, testified:

Q. At what precinct in Dekalb County did you vote at the election November 2?—A. Lathamville, beat 18.

Q. How many votes were polled in that precinct in that election?—A. 950.

Q. Is that the largest Republican precinct in the county?—A. To the best of my knowledge it is. The Republican ticket was given a majority of a little better than three to one in the recent election.

Q. Did the registrars go to the precinct for the purpose of registering voters in October, and if so, how long did they remain there?—A. They did, but remained less than half a day. They stopped at Crossville, which is a decidedly Democratic village, and registered a few women, the exact number I can not give; they came on to the regular polling place and stayed until noon.

Q. How many Republican women in your precinct that did not register that would have registered if they had had a fair opportunity?

(Contestee objects.)

A. To the best of my knowledge there was between twenty and thirty.

Q. Is there more than one voting place or box in the precinct?—A. No.

Q. Did many of the Republican women from your precinct have to come to the city of Fort Payne in order to register?

(Contestee objects.)

A. Yes, sir; a large number.

Q. Was this or not after the registrars had been to that precinct?—A. It was after.

Q. How much notice was given that the registrars would visit your precinct? (Contestee objects.)

A. To my knowledge there were no notices sent to that precinct by the registrars, but I saw one notice signed by the registrars announcing the date, and this notice said have not other dates or appointments for that date.

Cross-examination:

Q. You don't say that you know that there were no notices sent down there?—A. To my knowledge there were not.

Q. I will ask you whether or not there were notices sent down there?—A. I do not know.

Q. What time of day did the registrars come to your precinct?—A. I don't remember looking at my watch to ascertain the exact time, but I would judge between 8.30 and 9 o'clock.

Q. What time of day did the registrars leave?—A. I was not present when they left. I don't know when they left of my own knowledge.

Q. Were you present at the polls on election day?—A. I was; acting in the capacity of clerk.

Q. All the Republicans who offered to vote voted, did they?—A. To the best of my knowledge they did.

Q. You assisted in counting the ballots?—A. I did.

Q. The result of the election in your precinct gave Mr. Kennamer three votes to every one cast for Mr. Rainey?—A. Yes.

Q. You say there were some 25 or 30 Republican women in your precinct who did not get to register when the registrars were down there—do you know whether they registered at the courthouse when the registrars were there?—A. A few of them. I will say about 15, did not register at all on account of having to make the long trip to Fort Payne.

Q. Who were they?—A. Mrs. Naylor, two Mrs. Smiths, widows, one Mrs. Jacobs, one Miss and one Mrs. Griffin, two Mrs. Rodens, one Mrs. Barclay. I believe that's all I remember just now.

Q. Did any of those parties offer to register when the registrars were down there?—A. Some of them were en route to the place of registration when they heard the registrars were gone.

Q. Do you know that of your own knowledge?—A. No, sir.

S. McPHERSON.

W. J. JONES, examined for contestant, testified:

Q. What beat do you vote in?—A. Nineteenth.

Q. During the registration did you try to get some Republicans registered?—A. Yes.

Q. What did the registers tell you, if anything?—A. They said they couldn't register men unless they had come of age since the 5th of January last.

Q. Did they to your knowledge register any Democrats in the same fix?

(Contestee objects.)

A. Registered one at Valley Head.

Q. What was the man's name that they registered?—A. S. Friar.

Q. Do you remember the names of the Republicans they refused to register?—A. There was Lige Chadwick, Col. Lee, and a fellow by the name of Coots, I believe; I disremember now any others.

Q. Do you know whether that man Friar voted at the election?—A. Yes, he voted; I challenged his vote.

Cross-examination:

Q. Where did you vote?—A. I voted at my place; I live on the voting ground; it is on my place.

Q. How long did you stay at your voting place that day?—A. I stayed until away in the night. I was a marker.

Q. When did Lige Chadwick become 21 years of age?—A. Somewhere close to 40 years ago.

Q. How long had he resided in your beat?—A. Hadn't been in our beat at all; this was at Valley Head; he had been in Valley Head something over two years. Had been there something over two years this past fall.

Q. How old was Col. Lee?—A. He is up somewhere about 30.

Q. Where does he live, and how long has he lived there?—A. Beat 19. He's been there all his life, practically. He was one of those fellows that hadn't paid his poll and he wanted to pay his poll and register like Mr. Friar did.

Q. How old is Mr. Coots?—A. He looks to be about 28 or 30.

Q. What precinct does he live in and how long?—A. He lived in beat 19; I don't know how long he had been living there.

Q. Where did Coots come from?—A. He come from down the mountain there somewhere; I couldn't say. My understanding was he came from down below on the mountain in this county.

Q. I believe you say you were a marker at the election on November 2?—A. Yes.

Q. You voted at precinct 19?—A. Yes.

Q. How many votes were cast in your precinct for Mr. Kennamer?—A. 191.

Q. How many for Mr. Rainey?—A. 59.

Q. That vote was the normal party vote; it was practically that all the way through the ticket?—A. They were straight tickets all the way pretty well on both sides.

Redirect examination:

Q. About how old was this man Friar that they registered?—A. I think he told me 43.

Q. Was he behind with his poll tax?—A. Hadn't paid no poll in this State at all.

Q. How long had he been in this State?—A. Three years right about now.

Q. Did he pay his poll tax up after he registered?—A. Yes, sir; he paid them when the tax collector was around up there.

Q. Was he on the certified list of legal voters furnished by the probate judge for that precinct?—A. I did not see the list.

Q. How many Republicans in the same fix were refused registration that were in the same fix?—A. I just don't know how many; there was some 8 or 10 to my own knowledge.

Q. Did the registrars visit your beat at all?—A. No.

Q. Was there any Republican women in that beat that didn't have an opportunity to register?

(Contestee objects.)

A. Yes, sir.

Q. In your best judgment, how many?

(Contestee objects.)

A. Some 12 or 15.

Recross-examination:

Q. These others eight persons that you speak about, you don't know of your own knowledge whether they offered to register?—A. I don't know.

Q. Beat 19 is within a mile of Henagar.—A. One corner of it reaches right down there.

Q. The registrars did go to Henagar?—A. Yes. They went to Henagar and stayed until 11 o'clock or 12.

Q. What time did the registrars arrive at Henagar that morning?—A. Couldn't tell you; I wasn't there early.

Q. Did you haul the women to Henagar from your precinct to register them?—A. Hauled one load.

Q. There were other people hauling people from your beat to Henagar beside yourself?—A. Yes.

Q. Henagar is accessible from all parts of your precinct, isn't it?—A. They can get there to give them time, but they or some of them will have to go 10 or 12 miles to get there.

Q. Henagar is in the corner of beat 15?—A. Yes.

Q. Isn't it a fact that quite a few Republican women in your precinct were furnished transportation to come to Fort Payne to register?—A. Yes.

Redirect examination:

Q. Was any Republican women furnished transportation by Democrats to come to Fort Payne?—A. No.

Q. Isn't it a fact that the precinct in which Henagar is situated has in past elections gone Democratic?—A. It's been going Democratic up till November 2.

Recross-examination:

Q. Do you know Mr. R. W. Downer, precinct No. 19?—A. Yes.

Q. Was he elected justice of the peace at that election?—A. Yes.

Q. Did he vote at that election?—A. I suppose he did; I didn't see him.

Q. How long had he lived in the precinct?—A. It is now just about a year.

Q. How long had he lived in the county up to the time of the election?—A. I couldn't tell you; I didn't know him until he came to the precinct.

Q. Isn't it a fact that he came from Jackson County to precinct 19 in less than a year before the election?—A. I couldn't say; I don't know whether he came from Jackson or not.

Q. Was he elected justice of the peace on the Republican ticket?—A. Sure he was.

W. J. JONES.

B. P. BLAKE, witness for contestant, testified:

Q. Were you present in precinct 9 in Dekalb County when the election was held on November 2, 1920?—A. Yes.

Q. Was the room in which the election was held on that date crowded or congested?—A. Yes.

Q. About how many people, in your judgment, were in the room at one time as the voting was going on?—A. I am sure there was as many as 50 at different times during the day.

Q. Were you an official watcher for any party?—A. Yes. I was watcher for the Republican Party.

Q. Do you know Mr. Chitwood, the sheriff?—A. Yes.

Q. Was he present at the polling place at that election?—A. Yes.

Q. Do you know whether or not he marked any tickets?—A. Yes; my judgment is that he marked 150.

Cross-examination:

Q. How many did you mark?—A. I don't know the exact number; I suppose I marked as many as 50.

Q. Did you mark those tickets before or after you took the oath as a watcher?—A. I marked some five or six before I was appointed as a watcher.

Q. You were appointed as a watcher after you were told that you could not remain inside the polls all the time and act as a marker?—A. Yes.

Q. After you had to leave the room, then, you took the oath as a watcher and returned inside the polls?—A. No; I never did take any oath as a watcher.

Q. After you were told that you could not remain inside the polls continuously as a marker, how did you get back inside the polls and be allowed to remain there?—A. I was appointed as a watcher by the beat chairman of the Republican Party. Mr. Isbell, the chairman, gave me a writing and I presented it to the election managers and they allowed me to stay in.

Q. After being admitted inside the polling place as a watcher you continued to mark tickets, did you not?—A. Yes; when I was called on I did.

Q. Did the managers of the election or either of them call upon you at any time to mark tickets?—A. No, sir; don't think they did.

Q. Who else marked tickets for the Republican Party in precinct 9 that day?—A. Andy Chitwood, Wayne Wilson, and R. G. Hawkins, all of them marked Republican tickets that day.

Q. Anybody else besides those you named?—A. I didn't see anyone marking besides them.

Q. Did you not see Mr. George Lee Malone come inside the polling place at least twice and mark tickets?—A. I seen him come in once; I didn't see whether he marked Republican or Democratic tickets.

Q. Did you not see Mr. John B. Isbell come inside the polling place several times during the day and mark tickets?—A. I saw him come in as many times as twice that I know of.

Q. What is the politics of Mr. Malone and Mr. Isbell?—A. Always claimed to be Republicans.

Q. Will you please explain how you know that Wayne Wilson, Andy Chitwood, and Raul Hawkins marked Republican tickets and yet you are unable to tell whether Mr. Malone marked tickets for Republicans or Democrats?—A. Because I seen them mark them; seen Mr. Wilson, Mr. Hawkins, and Mr. Chitwood.

Q. Didn't you see Mr. Malone also marking them?—A. I seen him, but didn't walk up to see whether they were marking Republicans or Democrats.

Q. At what time during the day was the congestion greater within the election room?—A. In the forenoon.

Q. Was the congestion greater before or after 10 o'clock in the day?—A. No, sir; I think not; about the same on up till 12 o'clock; different at times in the morning.

B. P. BLAKE.

G. O. DURHAM, witness for contestant, testified:

Q. Do you know the registrars of Dekalb County?—A. Yes.

Q. Did they, or either of them, ever tell you that they had registered voters in other precincts than at the courthouse at Fort Payne, Ala., between October 19 and 26?—A. I talked to Mr. Elrod right out there.

(Contestee objects to relating the conversation between witness and Elrod.)

I will not be positive as to the date, but they were registering here at the courthouse; it was between the 19th and the 26th. I asked Mr. Elrod if he couldn't make a date on the line of beats 19 and 14. Mr. Elrod said they had three dates, at Adamsburg, at Copelands Bridge, and Lydia. My recollection is the dates were Thursday, Friday, and Saturday nights. Then he said that after that Mr. Burt and Mr. Wade wouldn't agree to go any more. He said he couldn't go himself, and the law required two of them to be present.

Q. The three places that you have just named, Adamsburg, Copelands Bridge, and Lydia, had they been Democratic beats in past elections?—A. I think they have. Now, Lydia had been pretty close, but elections past it had been considered a Democratic precinct.

Q. The places that you requested him to go, had they heretofore been Democratic or Republican?—A. One Democratic and one Republican.

Q. Where did you vote on November 2?—A. In beat 16.

Q. Was there any illegal votes cast in that beat that day that you know of?—A. I think there was two.

Q. Were they Democrats or Republicans?—One was a Democrat, and, judging from the name, I judge the other to be a Democrat.

Q. How long have you lived in Dekalb County?—A. Forty-three and a half years.

Q. Do you know the places that the registrars visited for the purpose of registering voters prior to October 19, 1920?—A. Yes.

Q. Had the places heretofore been Democratic or Republican precincts?—A. A good majority of them were Democratic.

Q. Do you know of any other persons other than the registrars registering women during the registration in October? If so, who were they?—A. Mr. George Igou, so people told me there, registered them in beat 15. Dr. J. D. Hall carried registration certificates out to people.

Q. Are Hall and Igou Democrats or Republicans?—A. They are Democrats.

Cross-examination:

Q. Did you attend any of the evening appointments of the registrars?—A. No. I did not have anybody there that represented me to haul folks out.

Q. You were notified that they were going to make these appointments?—A. No; I wasn't notified. I asked them, and they told me they were.

Q. Isn't it a fact that beat 26, Lydia beat, has for several years past gone pretty heavily Republican?—A. I couldn't say positively. I'm going to tell you just what I think about it. I think Mr. Kennamer carried the beat in the election, in the special election, 1919, but in the county election I think it went Democratic two years ago.

Q. Don't you know that Mr. Malone carried it over Judge Croley in the last race for probate judge in this county?—A. No; I do not.

Q. Did Cecil Durham's wife vote in beat 16 in the last election?—A. I don't know, but think she did.

Q. Do you not know that she had not resided in this county for 12 months immediately preceding the election?—A. She had been in our precinct only since May, but she has been teaching school, and I don't know where.

Q. Don't you know they married in Etowah County about April 30, 1920?—A. I don't know where they married.

Q. What is their politics?—A. Cecil was a Republican and she was a Demo-
crat.

Q. Did she vote the Democratic ticket, in your judgment?—A. In my judgment, if she voted, she voted Republican.

Q. What do you mean when you state that G. A. Igou registered people in beat 15?—A. Well, Charlie Keith's wife, who is a neighbor of Mr. Igou's, told me that Mr. Igou had registered her relatives.

Q. All you know is what somebody told you?—A. That's what Charlie Keith and his wife told me.

Q. You say Dr. Hall carried some registration certificates out?—A. Yes.

Q. Don't you know it to be true that Mr. Jim Durham and John Durham also presented lists to the registrars and got certificates and carried them out?—A. I know my father got one for a lady up the mountain who was not able to come, and who died before the election. John Durham is my father. I don't know about Mr. Jim Durham. I would not say that Mr. John Durham did not get more than one. He is a Republican.

Q. Give a list of the precincts visited by the registrars outside of the town of Fort Payne, and give the usual political standing of each of these precincts.—A. Beat 21 was the first. I did not know how long they stayed out there; usually Democratic; Valley Head, which is 3 to 1 Democratic; Sulphur Springs, considered Democratic up to the last election before this; Sylvania and Henagar, in beat 15, usually Democratic, Kennamer carried it before by 1 vote; beat 16, has been pretty close up to Kennamer's election a year back, I think can be safely counted Republican now; beat 25, it's a Republican beat; Tenbroeck, in 17, has always been close; Whiton, Democratic; Lathamville, it's Republican usually by about 2 to 1; Collinsville, Democratic; Crumley, Democratic; and beat 29, on Lookout Mountain, was Democratic; also night appointments between the 19th and 26th at Adamsburg, Democratic; Copelands Bridge, pretty close; Lydia, usually Democratic.

Q. You were a candidate on the Republican ticket at the last election?—A. Yes.

Q. How did your vote compare with the vote of Mr. Kennamer?—A. My recollection is that Mr. Kennamer ran something like 75 votes ahead of me.

G. O. DURHAM.

A. F. BROCK, witness for contestant, testified:

Q. Mr. Brock, did you vote at the election November 2 in Fort Payne?—A. I did.

Q. Was the polling place crowded and congested?—A. It was in the forenoon.

Q. Are you acquainted with the registrars of Dekalb County?—A. I am.

Q. Was all of them Democrats?—A. Yes.

Q. Were they partisan supporters of L. B. Rainey?—A. I suppose they were.

Q. Did they between October 19 and 26 leave the courthouse and go to other precincts at night to register voters?—A. They did.

Q. The precincts they visited, were they Democratic or Republican?—A. I am not able to say about all of them.

Q. To what places do you know of their going to?—A. They went to Copelands Bridge, Adamsburg, Collbran.

Q. Is Collbran a Democratic or Republican beat?—A. Democratic.

Q. Did you, in company with Mr. Isbell, request to see the registration books when they were closed on October 26?—A. I did.

Q. Did you have any difficulty in seeing the books?—A. Yes.

Q. Did you finally get to see the registration books?—A. We did.

Q. How many names, all told, were on the books when closed on October 26?—A. About 4,825.

Cross-examination:

Q. You voted at Fort Payne?—A. Yes.

Q. You are a Republican?—A. I am.

Q. Did you stand in line the morning of the election?—A. I did not.

Q. What time of day did you vote?—A. About the noon hour.

Q. Isn't it a fact that the waiting line outside the polling place had disappeared at the time you voted?—A. It had.

Q. Did you visit Copelands Bridge when the registrars went down there?—A. I did not.

Q. You don't know the number of Republicans and Democrats who were registered there?—A. I do not.

Q. Did you go to Adamsburg the night the registrars were out there?—A. I did not.

Q. Did you go to Collbran the night the registrars went down there?—A. I did not.

Q. How far are Copelands Bridge, Adamsburg, and Collbran from Fort Payne?—A. About 19 miles to Copelands Bridge, about 5 miles to Collbran, and 2 or 3 miles to Adamsburg.

Q. You assisted Mr. Isbell in counting the names on the registration books on the occasion you speak of?—A. I did.

Q. Did the 4,825 names you counted include both the female and male registered?—A. I suppose so; we made no inquiry in regard to that.

Q. You knew there were several men who had qualified during that period?—A. I did.

A. F. BROCK.

NOTICE TO TAKE DEPOSITIONS.

Witnesses to be examined by C. B. Kennamer, contestant, before J. A. Downer, a notary public and duly authorized commissioner to take depositions of witnesses for and on behalf of C. B. Kennamer, contestant.

To L. B. RAINEY, *Contestee*:

Take notice that C. B. Kennamer, contestant, will examine the witnesses mentioned in this notice at the time and place designated, before J. A. Downer, a notary public and duly authorized commissioner to take depositions of witnesses for and on behalf of C. B. Kennamer, contestant, at Fort Payne, Ala., at the courthouse, beginning at 9 o'clock a. m. Thursday, February 10, 1921, and from day to day thereafter until the examination of said witnesses are completed. The names and places of residence of said witnesses are as follows:

A. F. Brock, L. A. Durham, Mrs. Wallace Tate, John Tate, all of Fort Payne, Ala.

Dr. J. D. Hall, J. T. Parker, A. F. Dawson, Arthur Loud, all of Chavies, Ala.

M. A. Eidson, J. L. Eidson, H. H. O'Shields, Bert Lackey, all of Dawson, Ala.

G. A. Igou, Mrs. George Keith, George Swader, Lula Swader, all of Henagar, Ala.

J. M. Jones, of Albertville, Ala.; Mrs. James Todd, L. R. Brown, of Sulphur Springs, Ga.

Mrs. Joe Absher, Fyffe, Ala.; W. F. Barkley, Collbran, Ala.

This the 2d day of February, 1921.

C. R. ROBINSON,

Attorney for Contestant.

I, C. R. Robinson, hereby certify that I executed the above notice by handing a copy of same to Hon. Alto V. Lee, authorized attorney for L. B. Rainey, contestee, this the 2d day of February, 1921.

C. R. ROBINSON,

Attorney for Contestant.

* Depositions of witnesses examined for C. B. Kennamer, contestant, before J. A. Downer, commissioner, duly authorized by said contestant to take said depositions, in the cause wherein C. B. Kennamer is contesting the election of L. B. Rainey to a seat in the Congress of the United States, at Fort Payne, Ala., on February 10, 1921, and from day to day thereafter, the said contestant and contestee being present either in person or by attorney.

The following witnesses, being duly sworn and cautioned to tell the truth, testified as follows:

Contestee objects to taking the testimony of the witnesses named in the notice of this examination, and assigns grounds for the same as follows:

1. That contestee is not present in person.

2. That service has been had on his attorney, Alto V. Lee, that the contestant will examine witnesses at Guntersville, Marshall County, on the 9th of February, 1921, and from day to day, and therefore said attorney can not be present at this hearing.

A. F. BROCK, examined for contestant, testified:

Q. What precinct did you reside in in October, 1920?—A. I resided in this precinct, beat No. 9.

Q. Were you acquainted with the registrars of Dekalb County?—A. Yes.

Q. Were they Democrats or Republicans?—A. They were Democrats.

Q. Were they active supporters of L. B. Rainey, Democratic nominee for Congress?—A. They were.

Q. Did you have a conversation with either of the registrars on or before the day the registration books closed?—A. I did, with Mr. Wade.

Q. At what time and place?—A. At the courthouse on the last day of the registration, before they opened for registration that morning.

Q. What did he say to you in the conversation with reference to registering voters?—A. He said they had registered approximately 5,300.

Q. Later than that, did you examine the registration books? If so, with whom?—A. I did with Col. Isbell.

Q. How many names did you find on the registration books?—A. We found about 4,825, approximately; we counted the names on one leaf and counted the leaves.

Q. Did you hear the examination and testimony of Mr. John B. Isbell when he testified in this contest on the 13th of January, 1921?—A. I did.

Q. Was you with him at the times he testified about and did you hear all that occurred that he testified about with reference to the examination of the registration books, where they or it was found, and the conversation had with the registrar?

(Contestee objects.)

A. I was.

Q. Was his testimony with reference to what occurred at that time true and correct?

(Contestee objects.)

A. Yes, sir; it was.

Q. From your knowledge and information, were there any other persons other than the registrars of Dekalb County, Ala., that registered voters in October, 1920?

(Contestee objects.)

A. I know nothing only what I have heard. I have heard that some of the candidates registered people; I don't know that it's true.

Q. Who were they?

(Contestee objects.)

A. I heard that C. P. Killian registered some.

Q. Anybody besides the candidates?

(Contestee objects.)

A. I heard that there were other people registering, but don't remember their names.

Cross-examination:

Q. When you say that you heard that other people registered besides the registrars, do you mean that you heard that the parties mentioned actually registered people or furnished names of applicants for registration to the board of registrars for registration?—A. It came to me that they registered; they carried the blank certificates along and filled them out.

Q. Can you name any others besides C. P. Killian and Scott about whom you heard this report?—A. I can not.

Q. Did you or not hear that several Republicans in the county furnished the board of registrars with the names of applicants for registration and that said applicants were registered without appearing in person before the board of registrars?—A. I did.

Q. Is it not a fact that in the conversation to which you have referred with Mr. Wade that he then told you that the estimate which he gave you was a mere guess of his, as they had not tabulated the registrations from the various precincts?—A. He merely said that it was approximately 5,300 and that it would reach 5,500 during that day.

Q. Are you willing to swear that all that was said by Mr. Isbell in reference to the matters about which you were asked during your direct examination was true?—A. I am so far as my memory serves me.

Q. I will ask you to state where you examined the several registration books.—A. It was in the vault of the probate office.

Q. I will ask you to state whether at the time you and Mr. Isbell first entered the vault and examined the first registration books examined by you Judge Croley was in the vault or in his own office outside the vault.—A. He was in his office outside the vault. He was not in the vault when we examined the first books.

Q. Is it not true that Judge Croley did not come into the vault where you all were examining the books until after the controversy arose about the missing

book?—A. He did not; he was not in there until after the controversy arose. But we entered the vault by his permission; I am sure we asked his permission.

Q. Is it not true that Mr. Isbell in his testimony stated that Judge Croley was present in the vault during the examination of these first books?—A. I do not so remember it. My recollection is that he testified that Croley was not in there the first time we went in the vault.

Q. How many official ballots did you have in your possession before the day of the election?—A. I had one defaced ballot; it was like the one I voted, with exception of the deface.

Q. How much, if any, money did you spend in paying up poll taxes the year prior to the last election?—A. I do not remember the amount; I kept no tab of it; I loaned considerable money.

Q. Give us the best of your judgment as to the amount.—A. I would say not more than \$25.

Q. Was this your own money or was it furnished you?—A. My own.

Q. How much, if any, of the Republican campaign fund was handled by you during the recent campaign?—A. About, approximately, \$30.

A. F. BROCK.

L. A. DURHAM, examined for contestant, testified:

Q. In what precinct in Dekalb County did you reside in October, 1920?—A. I lived in this beat temporarily; my home really is on the mountain. I voted in Blue Pond beat No. 16.

Q. What is your politics?—A. I am a Republican.

Q. Were you acquainted with the registrars for Dekalb County in October, 1920?—A. Yes.

Q. Were they Democrats or Republicans?—A. They were Democrats.

Q. Did you make application or request the registrars to furnish you with blank certificate in order that you might take the application of Republican women for the purpose of having them registered at any time in October, 1920?—A. I asked them was there any law by which we could register Republican women that was sick and then not be present, and they said they couldn't register anyone without them being present under no circumstances.

Q. From your knowledge and information, did the registrars register any person as a voter who did not appear before them in person?

(Contestee objects.)

A. They told me they did, and I think they did register a great many. I asked them, the registrars, the last day why it was they could register Democratic women from a list of names and not register Republicans that way. They said they thought it was right, as there was a good many sick and not able to come. They claimed they had been doing that just for the last few days. I had found out from Democrats that they had been registering without appearing in person.

Q. Which one of the registrars were you talking to?—A. I talked to them all. I know I talked to Mr. Burt and I think I also talked to Mr. Wade.

Q. They told you on the last day of registration that they would also register Republican women that way?—A. Yes, sir.

Q. From your information and knowledge, gathered from the registrars and Democrats, about how many Democratic women, in your opinion, were registered without appearing before the registrars in person?

(Contestee objects.)

A. I would think there was somewhere from 300 to 500.

Q. From your information and knowledge, do you know of any other person other than the registrars that registered voters during the registration in October, 1920; if so, give their names and post-office addresses?

(Contestee objects.)

A. I have heard that others registered them and taken names and sent them in and had registered. I heard that Jim Scott, of Flat Rock, went around taking names to register and sent them in to have them registered. I heard that two of the Igous had registered voters up in Pine Grove beat. I heard that Dr. Hall registered them there in our beat. I am satisfied he did. I heard he carried the certificates to them there in our beat and gave them the registration certificates or registered them one. I also heard that Dr. Wilson, I think he lives in Graham beat, the people say that he did the same thing.

Q. Was Mr. Scott, Dr. Hall, Dr. Wilson, and the Mr. Igous, were they Democrats or Republicans?—A. They were Democrats.

Q. If the Republican women of Dekalb County had been given an equal opportunity with the Democratic women of the county, in your opinion, what would the majority of C. B. Kennamer have been over L. B. Rainey in this county in the November election?

(Contestee objects.)

A. In my opinion if the women and men, Republican women and men, had been given as good an opportunity to qualify to vote as the Democrats, we would have carried it by 2,000 votes.

Q. Do you know the beats that the registrars visited in this county for the purpose of registering voters in October, 1920?—A. Yes; I noticed the list when it was published.

Q. Had they heretofore been Democratic precincts or Republican precincts?—A. In my opinion they went to more Democratic beats than they went to Republican beats.

Q. Did the registrars visit any precincts in this county for the purpose of registering voters between the 19th and 26th of October, 1920, other than the precinct at the courthouse?—A. They told me they did.

Q. Did they go in the day time or night?—A. It was night.

Q. Did they go to Democratic or Republican precincts?—A. They had mostly been Democratic.

Q. Did they give any notice by publication in newspapers or circulars that they would visit precincts at night for the purpose of registering voters between the dates of October 19 and 26, 1920, that you know of?—A. They did not that I know of.

Q. Did you endeavor to ascertain whether or not they were going at night to register voters?—A. I did, and after I found out that they were going, I found out they were going on Lookout Mountain, I found out they were going to Lydia after they had gone to other precincts.

Q. When the registrars were visiting the different precincts for the purpose of registering voters before the 19th of October, 1920, did they give as much time to the Republican precincts they visited as they did to the Democratic precincts?—A. No; they did not.

Q. How much time did they give at the Blue Pond precinct?—A. They gave one part of a night.

Q. Is that a Democratic or Republican precinct?—A. It is a Republican precinct.

Q. Is there as many voters or people in Blue Pond precinct as there are or was in Piney Grove precinct?—A. There is more voters in Blue Pond than in Piney Grove.

Q. How much time and how many times did the registrars visit Piney Grove precinct for the purpose of registering voters in October, 1920?—A. They had two different appointments in Piney Grove.

Q. Is Piney Grove precinct a Democratic or Republican precinct?—A. Usually Democratic; has been principally all the time.

Q. How much time did they give to Mentone precinct?—A. The list stated a day, I think it was at Mentone—I mean the notice.

Q. Had it been a Democratic or Republican precinct?—A. It had been Democratic.

Q. Did the registrars of this county give an entire day for the purpose of registering voters to any Republican precinct?—A. I don't think they did; that's my recollection. They might have given a day at Graham, but it's usually Democratic; went Republican this time.

Q. A majority of all the precincts that the registrars visited, or gave notice to visit, for the purpose of registering voters had been Democratic prior to the election in November, 1920. had they not?—A. I think so.

Q. Do you know whether there has been any voters added to the poll list in this county after the 1st of February, 1920? If so, state how many and their names, if you know them, and their politics.—A. I know of some that was added to it. I can give the names of six: W. L. Stewart, beat 23; A. C. Weldon, beat 14; George Beaty, beat 21; D. D. Lyons, beat 10; A. C. Watkins, beat 16; T. L. Richards, beat 23. I think they are all Democrats, but don't know positively.

Q. How do you know that these names were added to the poll-tax list of voters in this county?—A. I hired Mr. Wallace Slone and Mr. Murdock, the tax collector, to draw off this list of qualified voters on the 2d of February, 1920. I think it was. After they drew it off Mr. Murdock to come back up there, or come and told me, he said he had these names that he wanted to add

to the list. I asked him why, and he said they had been sent to Judge Croley and Judge Croley had failed to turn them in; had forgot it.

Q. Is it not a fact that it was a matter of common knowledge about the time the registration books closed on the 26th of October, 1920, that different Democrats in this county took applications of women for the purpose of registration who did not appear in person before the registrars?

(Contestee objects.)

A. That is a fact.

Q. It is also a matter of common knowledge that no Democrat has ever denied that other people, other than the registrars, did take applications?

(Contestee objects.)

A. I have never heard it denied.

Cross-examination:

Q. Give the date of the first conversation which you said you had with the registrars in October, 1920, about the registration of women without their appearing before the board of registrars.—A. It was the second day that they registered, after they began to register; in my opinion, they were going to Valley Head; I think it was the 12th of October.

Q. This was quite a while before the appointment for registration in precinct 17?—A. Not very long; I think five or six days.

Q. Do you not know that the first woman in Dekalb County to register without appearing before the board of registrars was while the registrars were in precinct 17, and that that woman was a Republican and that the request for registration was made by a Republican?—A. No, sir; I don't know that; never heard it before.

Q. Have you not heard, or is it not a matter of common knowledge, that a list of women sent in from beat 14 by J. M., or Jim, Scott contained both the names of Republicans and Democratic women, and that none of the Democratic women thus sent in and registered voted in the recent election?—A. The way I heard that was that he registered a few Republicans, possibly 7, and probably 19 or 20 Democrats; I am giving it the best I know the way I heard it; and Democratic women got their certificates back and the Republican women failed to get theirs; and the Democratic chairman, Mr. Curtis, notified the Democrats they had better not vote, that there was some contention about it, and that some of them did not vote.

Q. State fully upon what you base your statement that from your information and knowledge there were from three to five hundred women registering without appearing before the registrars in person.—A. Well, in the first place, I believe there was a thorough organization and understanding with the Democratic Party to register women that way, in order to get the advantage of the Republicans in registering women. We found out that they did register that way in several Republican beats, and in strong Democratic beats I believe they registered a great many more than they did in the Republican beats. If they registered as many in all other beats in the county as they did in Blue Pond and Piney Grove, I think it would make 300, in proportion to their strength. From what I can hear I think they did that.

Q. State how many were registered in Piney Grove beat without appearing before the registrars.—A. They told me there was about 18 or 20.

Q. How many in Blue Pond?—A. I think there was somewhere about the same number.

Q. How many Republican women in Blue Pond beat were registered without appearing before the board of registrars?—A. I heard there was two; there might have been more than that. On the last day, I think it was, of the registration.

Q. In the last three questions were you speaking from what you know or merely from what you have heard?—A. Mostly from what I have heard.

Q. Which party was the more active, the Democratic or Republican, in getting out women for registration?—A. I think the Republican Party hauled more women here a right smart, but I think the Democratic Party was as active as the Republican Party, but they just took their women's names and ages and we had to haul our women here. We were all pretty active, about as active as we could be.

Q. In what way were the male Republican voters discriminated against in the matter of registration, as suggested by you in your direct examination?—A. Mr. Ownes down here, Fort Payne hardware man, and Mr. Teague, the bottling works man, I am told, moved here in the same car and on the same

day, and they refused Mr. Teague, he told me, and they resigtered Mr. Owens. I think it was on the 14th of December a year ago when they moved here, and, of course, the law requires them to be here a year before they vote. Mr. Owens hadn't been here a year but he voted. That's one instance. I asked Mr. Owens if he told the registration board that he hadn't been here a year, and he said he did. I have seen a whole lot of other things, too numerous to mention. I seen Mr. Kennedy, in our beat there, come into the probate judge's office to be marked up a legal voter, and he said he couldn't find one of his poll-tax receipts. The books showed that he had never paid that poll; they marked him up a legal voter. I seen any quantity of that sort of stuff carried on. I was pretty active in trying to help the Republicans get the'r poll tax paid up last fall. I noticed that Mr. Murdock was leaving off the first year of the Republicans. They would go up there to straighten up their back poll tax. The Republicans didn't know, a heap of them, that they had to pay on the first part of the year. It had been the rule that they didn't. I called Mr. Murdock's attention to this fact and requested him to notify all the parties that he left off to come in and pay up that dollar and a half due; I don't think he ever did. I noticed when they published the list here of qualified voters that a whole lot of our Republicans were left off the list on that account.

Q. Do you mean to suggest by your statement just made that Mr. Murdock, the tax collector of this county, was purposely misleading Republicans about the payment of their poll taxes in order to disqualify them to vote?—A. No, sir; I don't mean to leave that inference. I think he neglected his duty in not notifying all those parties he left off.

Q. Do you not know that under the law the tax collector is not allowed to suggest to any taxpayer the payment of poll taxes?

(Contestant objects.)

A. I didn't know anything about that.

Q. To which Mr. Kennedy did you refer a while ago, and where does he live?—A. H. E. Kennedy. He lives in Blue Pond beat, about 2 miles from Chavies.

Q. In your testimony this morning you stated that if the Republican women and men had been given as good opportunity to qualify and vote as the Democrats, the Republicans would have carried the county by 2,000 votes. I will now ask you to state how many men and women, in your opinion, who were qualified to register and vote, and who would have voted the Republican ticket, desired to register and failed to do so because they did not have an opportunity?—A. I couldn't tell how many; my opinion would be that there were 300 or more. I know of several in our beat that wanted me to send cars there and haul them, and I couldn't do it.

Q. Give your opinion of the number of voters who would have voted the Democratic ticket under the conditions stated in the previous question.—A. I don't think there would have been much difference in it. I think they registered about all of theirs that wanted to vote and some that wouldn't vote.

Q. Do you know of any Democratic women in your precinct who did not register?—A. I do not know of any that were qualified to register.

Q. Do you know the Widow Bethune and her girls?—A. Yes; they are Democrats. I heard they were registered by Dr. Hall probably.

Q. What was the first precinct visited by the registrars after beginning the registration in this county?—A. It was on Lookout Mountain; I think it was Mentone.

Q. Is it not a fact that a representative of the Republican Party in this county got a carbon copy of the appointments of the registrars on the very day they were made out by the board and had a number of copies printed therefrom and distributed them over the county?—A. If that is so, I never heard of it before.

Q. Assuming that the board of registrars received notice of their appointment one day, met at the courthouse the following morning, took the oath of office, made out the list of their appointments and gave notice by telephone that they would be at Mentone that afternoon, had copies of their appointments made showing the first appointment to be Mentone and the second at Valley Head the following day, can you suggest how they could have conducted themselves during the first two days of the registration in a way that would have been more equitable as between the two parties?—A. I think I could.

Q. Please do so.—A. I would have commenced, I think, at Brandon first; then Valley Head would have been all right; then that would have given a little time of notice. I never would have gone to Mentone, because Valley Head is there

near by; that would have given time for publication. If they notified any Republican, I never heard of it.

Q. It is a fact, is it not, that the beats having the shortest notice of the time of registration were Democratic beats?—A. Yes; the first two beats were Democratic beats.

Q. Name two Republican beats in the county that the registrars did not visit which in your opinion a fair division of the time would have required them to be visited.—A. Well, Deer Head Cove is a Republican beat when they all vote, and Pea Ridge No. 19 is a large, strong Republican beat. They are a long ways, farthest beats away from here. They never gave them no time at all. They didn't do our beat fair, putting it at night, the third largest beat in the county.

Q. Is it not a fact that beat 27, lying on Sand Mountain, 25 to 30 miles from the courthouse, and in which the registrars made no appointment, is known as the banner Democratic beat in Dekalb County?—A. It has been known to be the banner Democratic beat.

Q. Is not beat 23, lying on Sand Mountain, being from 15 to 25 miles distant from the courthouse, and in which the registrars made no appointments, a large beat, and has it not been heretofore a strong Democratic beat?—A. It has been a majority Democratic. I don't think it's such a very large beat.

Q. Please compare its strength with beat 14, Deer Head Cove.—A. I can't make the comparison, because they have recently cut 23 up.

Q. I will ask you to give a list of the precincts visited by the registrars during their rounds over the county prior to October 19.—A. I don't know that just from memory I could make a correct list.

Q. I will ask you if you can suggest to us an itinerary that would have been fairer as between the two parties?—A. I think I could suggest a plan that would have been a great deal more fair to both parties.

Q. Please give us that itinerary.—A. I would have gone first to the closest beats about Fort Payne and give them a half a day apiece in order to get it thoroughly norated over the county; then I would have gone to the farthest beats away from the county seat and have given them a half a day apiece; I would have registered in daylight and not at night; I would not have asked women to come out at night; then on the last part here at Fort Payne it would have been thoroughly norated. I was sorry that they didn't call in Republicans and consult them about it. If it had been left to me, I would have called in Democrats to help set the time and place, and I thought they ought to have called in Republicans and counseled together.

Q. There not being enough days in which to visit each precinct in the county, do you think it would have been fairer for the voters of the county to have made appointments for registration in the beats lying near the courthouse rather than in the beats farther away from the courthouse, when under the law those being near the courthouse had a whole week in which to register at the courthouse?—A. Well, in making my statement I meant beats like Blue Pond, where they did register, would have had more time to get notice, and I thought they ought to have divided it up and went to all the beats away from Fort Payne.

L. A. DURHAM.

(By agreement Mr. Durham will be further cross-examined at another hour.)

J. F. PARKER, examined for contestant, testified:

Q. In what precinct in Dekalb County do you reside?—A. Blue Pond, 16.

Q. How many applications did you take from women for registration, or how many certificates of registration did you deliver to women or men in precinct 16, or any other precinct in Dekalb County, in October, 1920?—A. None.

Q. Do you know Dr. Hall?

Q. Did you see him take any applications for registration of women or men or deliver any certificates of registration to either women or men in precinct 16 of this county or any other precinct in October, 1920?—A. I saw him take some, or I suppose that was what he was doing.

Q. Was you with him?—A. Yes.

Q. How many applications did you see him take or deliver?—A. I don't know.

Q. Did he tell you that was what he was doing?—A. I suppose so.

Q. How many did you see him take or deliver?—A. I don't know that I seen him take any.

Q. About how many places did you visit?—A. Five or six, or something; I don't know. I will say five or six.

Q. Give the names of the places you went to.—A. I don't know—I believe we went to old man Sparks.

Q. How many women were there there?—A. I believe I saw three—no; I never seen any.

Q. Did Dr. Hall go in the house?—A. Yes; I suppose so.

Q. How long did you stay there?—A. We stayed somewhere, half any hour, maybe.

Q. Where did you go from there?—A. I believe we went to Ep Tiller's.

Q. Did you take an application or deliver a certificate there?—A. He might have taken an application; never delivered any certificate that I know anything about.

Q. Did you see any women there?—A. Yes; I believe there was three. They were in the house. I went in.

Q. Did they sign any paper there?—A. Not that I saw.

Q. Were you there all the time that Dr. Hall was there?—A. No, sir.

Q. Is Mr. Tiller a Democrat or Republican?—A. Ep is a Democrat.

Q. Who were the ladies you saw there?—A. I don't know, but think one of them was Ep Tiller's mother.

Q. Where did you go from Tiller's?—A. I don't know; I think we went—I don't know the parties up in beat 15.

Q. Did Dr. Hall go in the house?—A. Yes.

Q. Did he say he took the application of anyone to register?—A. I don't know, but believe he did; but I won't say.

Q. How many did he say?—A. He didn't say.

Q. Where did you go to from there?—A. I don't know; I am not acquainted.

Q. As a matter of fact, Mr. Parker, don't you know you were out all day registering folks?—A. Most of the day.

Q. That was your business, wasn't it?—A. Why, Dr. Hall had some patients, and I suppose was taking some applications.

Q. What is Dr. Hall's politics?—A. He is a Democrat.

Q. What is your politics?—A. Democrat.

Q. How many days were you out with Dr. Hall?—A. Part of one day.

Q. Isn't it a fact, Mr. Parker, that Dr. Hall took 25 or 30 applications of women for registration on the day and date that you were with him?—A. No, sir; if he did I didn't know anything about that.

Q. Did he take any?—A. I suppose he did; I never seen him take any.

Q. About how many did he tell you he took?—A. I don't remember that he said.

Q. The registrars wasn't along?—A. No, sir.

Cross-examination:

Q. Mr. Parker, we want you to state fully whether or not the matters of which you speak in regard to Dr. Hall were mere applications for registration or the registration certificates?—A. I suppose they were just wanting to be registered.

Q. Were these papers on printed forms or were they on simple sheets of paper?—A. I don't know; I never seen them.

Q. Did you see Dr. Hall deliver registration certificates to anyone?—A. No, sir; not any.

Q. Mr. Parker, do you remember about the last regular round of the registration when the men were registering before the registration of the women?—A. Yes, sir; I remember it.

Q. Do you know about several parties who had moved into your precinct only a short time before that time registering?—A. Yes; I remember one man; more, too. Ben Hamby was one; Mark Hall, I think, was another. I believe that's all I think of now.

Q. Who was helping the registrar at that time?—A. Leander Durham.

Q. Had that fellow been in the county 12 months at the time he registered?—A. No; he had not.

Q. Do you know his politics?—A. Yes; he was a Republican.

Q. Do you know of any person who registered in the last registration who had not been in the county 12 months?—A. Yes, sir.

Q. Who were they?—A. Mr. Hamby was one, Mrs. Turner was another, and the preacher's wife, Mrs. Netherland, was another. I suppose Cecil Durham's wife was registered, too; they said she did.

Q. Had those four you mentioned been in the county 12 months at the time they registered?—A. No, sir.

Q. What was their politics?—A. They were Republicans.

Q. Do you know whether or not these parties voted in the election?—A. I suppose Cecil Durham's wife did; I don't think the others voted.

Q. What precinct did you vote in in the recent election?—A. Sixteen.

Q. What time in the day were you there?—A. I was there in the morning and the afternoon.

Q. Was there a crowd or confusion around the polls at any time during the day?—A. They sure God was.

Q. About what time in the day was that the worst?—A. Just at the opening up, and after it for quite a while.

Q. Did the jam and confusion get less after 10 o'clock in the morning?—A. Why, of course, after a while it kinder quieted off, after several hours.

Q. How many Republicans did you see inside the polls helping to hold this election?—A. There was several; I don't know, maybe a half dozen. Lee Harrison was clerk of the election, John Durham, Leander Durham, Sam or Albert Durham, and I believe Mack was in there—the whole thing was crowded up.

Q. Which two of those you have mentioned were the regularly appointed election officers?—A. Lee Harrison was the clerk, and Sam Gilbreath was the manager. Sam Gilbreath is a Republican.

Q. Which of these two was elected justice of the peace in the same election?—A. Lee Harrison.

Redirect examination:

Q. Did you see the Democratic manager there?—A. Yes.

Q. How many?—A. Two.

Q. And a Democratic clerk?—A. Yes.

Q. Who were they?—A. Gus Marshall and Frank Brown were the managers, and Oscar Rucks was the clerk.

Q. The Republicans had one manager and one clerk?—A. Yes.

Q. The two Democratic managers and the Republican manager and the two clerks were the ones that were holding the election?—A. Yes, sir.

Q. These other parties had nothing to do with holding the election?—A. They was marking tickets.

Q. You saw Democrats and Republicans marking tickets, didn't you?—A. Yes.

Recross-examination:

Q. None of the Democratic managers or clerks were candidates in the election, were they?—A. No, sir.

Q. Do you know H. E. Kennedy?—A. Yes, sir.

Q. Did he vote in this last election?—A. He did not. I heard Mr. Durham's testimony, and I know the party about whom he was speaking. That was an error as between H. E. Kennedy and A. H. Kennedy. The records had credited H. E. Kennedy with a poll that should have been credited to A. H. Kennedy. Neither voted.

JOS. F. PARKER.

FRIDAY, FEBRUARY 11, 1921.

M. A. EIDSON, examined for contestant, testified:

Q. What precinct in Dekalb County do you reside in?—A. Twenty-three; it has been cut, but I still vote in 23.

Q. Do you know Mr. H. H. O'Shields?—A. Yes.

Q. Is he one of the registrars of this county; was he in October, 1920?—A. No.

Q. Do you know whether or not he took the application of any person to be registered as a voter in this county in October, 1920?—A. I don't know only what they told me.

(Contestee objects to the answer.)

Q. Did any person tell you that Mr. O'Shields took their applications and carried into the registrars and returned the certificates?

(Contestee objects.)

A. Yes, sir; they did.

Q. Name the persons.

(Contestee objects.)

A. Mr. W. O. Hanvey, Belle Evins; she said he took hers and her mother's; L. B. Evins; I believe they were about the only ones that told me; they said there was several others.

Q. Did they vote in the elections, 1920?—A. Yes, sir.

Q. Are they Democrats or Republicans?—A. Democrats.

Q. Do you know whether or not they voted the Democratic or Republican ticket?—A. Well, they said they voted the Democratic ticket.

Q. Do you know of any person that voted in that election that was not present?—A. Yes.

Q. Who was it, and how did they vote?—A. India Miller. Daniel Miller, her husband, voted for her.

Q. She did not appear at the voting place?

Q. Is she a Democrat or Republican?—A. Democrat.

Cross-examination:

Q. Where was Mrs. Miller?—A. She was home in bed sick.

Q. Was her vote challenged?—A. It was not.

Q. Did you see the ballot deposited for her?—A. I seen her husband put in two together, and he said one was for her.

Q. Where were you at the time?—A. I was there present inside the polls.

Q. Were you helping hold the election?—A. I wasn't a manager nor a clerk.

Q. Do you know of your own knowledge whether or not Mr. O'Shields sent in any names to the registrars to be registered?—A. I know nothing only what those parties told me.

Q. When and where did the parties tell you what you have stated they told you?—A. Mrs. Hanvey told me the Sunday following the election that Mr. O'Shields carried her name and had her registered; then Monday following Mrs. L. Evins told me that he carried hers and her mother's name, but she didn't have any registration certificate.

Q. Say you live in beat 30?—A. My residence is in beat 30. There on the line.

Q. How far is your house from the line?—A. It is something like 20 or 25 steps.

Q. Have you filed any declaration in the office of the judge of probate of Dekalb County setting up the fact that you were a liner and claiming beat 23?—A. I have been here to do it and talked to the judge about it, and he said it wasn't necessary. I did not file it.

Q. Does the line pass through your residence?—A. Oh, no.

Q. You voted in the election in beat 23 and voted the Republican ticket?—A. Yes.

Q. Were you at the polls at the time they were opened the morning of the election?—A. Yes.

Q. What was the condition in and around the polling place early in the morning on the day of the election? With reference to being crowded?—A. In the house there it was crowded some, of course; it was in Hampton's store.

M. A. EIDSON.

H. H. O'SHIELDS, examined for contestant, testified:

Q. Mr. O'Shields, in what precinct in Dekalb County do you reside—A. Twenty-third.

Q. How long have you resided in that part of the county?—A. Twenty-five years, something like that.

Q. What is your politics?—A. Democrat.

Q. You was a supporter of L. B. Rainey for Congress in November, 1920?—A. Yes.

Q. How many applications did you take from women or men for the purpose of delivering to the registrars to be registered in October, 1920?—A. Well, I couldn't tell you exactly.

Q. Did you take as many as 20?—A. I don't think there was that many.

Q. Did you take as many as 15?—A. No; I think not.

Q. Did you take as many as 12?—A. I wouldn't be positive; I wouldn't say.

Q. Did you take as many as 10?—A. About 8 is my recollection.

Q. Give me the names of those whose applications you did take?—A. Mrs. Hanvey, Mrs. Evins, two of them, Mrs. Dobbins; that's about all I recall; my best recollection is I took more, but I can't recall them.

Q. What did you do with their applications?—A. I sent them to Fort Payne.

Q. To whom?—A. I just turned them over to Mr. Guest.

Q. Who was Mr. Guest?—A. A deputy sheriff.

Q. Was he a Democrat or Republican?—A. I understand he is a Democrat.

Q. Were these women whose applications you took for the purpose of registration reputed to be Democrats or Republicans?—A. My understanding was they were Democrats.

Q. Did they vote in the election of 1920?—A. I think so.

Q. Who instructed you to take these applications?—A. Didn't anybody instruct me to do that?

Q. Who furnished you the blank applications?—A. I had none.

Q. How did you take the names down?—A. In a little memorandum book.

Q. Did you visit each one's house for the purpose of taking their names and ages?—A. Not specially so; some of them I did. I talked to some of the men folks and found out they had not registered, and Mrs. Evins was an old widow woman.

Q. None of these women whose names you took and sent into the registrars for the purpose of being registered made affidavit as to their qualifications or appeared in person before the registrars, did they?

(Contestee objects.)

A. No, sir; none of them were sworn before me. I couldn't tell you about them appearing at Fort Payne.

Q. Did you deliver any certificate of registration?—A. I did not.

Q. I believe you stated no one requested you to take these names?—A. Well, I stated this as I started to tell you awhile ago, Mrs. Evins is a very old lady. Her son told me that she wanted to register. I taken her application. That is, I taken her name.

Q. How many days was this before the registration closed?—A. I couldn't tell you as to that; it was several days.

Q. Isn't it a fact that you sent all the names, or applications, several days before the books closed for registration?—A. I think so.

Q. Are you a member of the Democratic committee of your beat?—A. I had been; I don't know that I am off yet.

Q. Did you attend a meeting of the Democrats here at the courthouse or in Mr. Curtis's office in October, about the time the registration commenced?—A. I don't remember if I did; I was in Mr. Curtis's office during the campaign.

Q. Was there several Democrats there?—A. There were five or six. We just dropped in, one at a time.

Q. What was said with reference to registration of women while you were there?—A. I don't remember that it was discussed at all, it might have been talked about in a general way.

Q. Isn't it a fact, Mr. O'Shields, that you was at this time requested to take the names of Democratic women in your neighborhood and send them in to the registrars in order that they might be registered and qualified to vote in November, 1920?—A. I have no recollection of anything of the kind.

Q. How many days were you in taking these names you sent in?—A. Just a short time; just a few hours.

Q. You did not take the name or application of any Republican woman and send it in, did you?—A. Not that I know of.

Q. There were Republican women in your precinct?—A. There were not where I did this work, right in that immediate community.

Q. You were just singling out Democratic names and sending them in?—A. Of course; naturally so.

Cross-examination:

Q. Do you know what became of the list of names you turned over to Mr. Guest?—A. I do not.

Q. Do you know whether or not these women, if they were registered, were registered from the list you furnished Mr. Guest, or whether they later appeared in person before the board of registrars?—A. I do not.

Q. Is it not a fact that before you took the list of names to which you have referred that you had been informed that Republicans in the county were presenting lists of names to the registrars and that they were being registered?—A. Yes, sir.

Q. Do you know Mr. M. A. Eidson?—A. Yes.

Q. How many voters who reside with him voted in the last election?—A. Four—his wife, himself, a son, and daughter.

Q. They are Republicans, are they not?—A. Yes; that is my understanding.

Q. Do you know in what beat they reside?—A. They live in beat 30.

Q. In what beat did they vote?—A. Twenty-third.

Q. In what precinct did you vote?—A. In 23.

Q. Were you at the polling place about the time of the opening; and what was the condition in reference to being crowded at and immediately after the time of the opening?—A. I was present, and it was considerably crowded and

a good deal of confusion; rushing up around the polls. Principally the people that were crowding us were the Republican men and women.

Redirect examination:

Q. A majority of the managers and returning officer were Democrats, weren't they?—A. Two Democrats and one Republican were managers and one Republican clerk; the returning officer was a Democrat.

Q. You stated to Mr. Baker on cross-examination that you had been informed that Republican women's names were being sent in to the registrars for registration; now, who informed you of that fact?—A. I couldn't say who it was; it was general talk through the community.

Q. No one gave you any direct information, then?—A. I couldn't say positively.

Q. Had you heard of any Republican women's names being sent in from your precinct?—A. I did not.

Q. You voluntarily went out and took the names of these Democratic women and sent them in?—A. Yes.

Q. You had been informed that they would be registered if you did that?—A. No, sir; I hadn't been informed.

H. H. O'SHIELDS.

JOHN TATE, examined for contestant, testified:

Q. Mr. Tate, what precinct in Dekalb County did you live in in October, 1920?—A. Ten.

Q. Did you vote in the election?—A. Yes.

Q. Were you inside the polling place?—A. Yes.

Q. Who was the returning officer for that precinct?—A. John G. Green.

Q. Was he a Democrat or Republican?—A. Democrat.

Q. Did you see him tack up any campaign literature of the Democratic Party in the polling place on that date?—A. Yes.

Q. What was it?—A. It was a negro picture. It was a picture of Henry Lincoln Johnson.

Q. Where did he tack this picture up?—A. On the left hand of the door as we went in.

Cross-examination:

Q. It was inside the house, was it?—A. It was on the porch, about 3 feet from the door.

Q. It was not inside the polling place?—A. It was on the building.

JOHN TATE.

L. A. DURHAM, witness for contestant, being further cross-examined as per agreement, testified:

Q. How far is it from Fort Payne to Collbran?—A. Five miles, I think.

Q. If the registrars were to begin work immediately after their appointment, they had to visit some beats on short notice, did they not?—A. I think so. I don't know exactly when they were appointed. I couldn't find out. I felt like that the legislature put off the appointment of registrars for the purpose of delaying time to keep from giving the women the proper time to register.

Q. Do you feel like that the legislators representing the 67 counties of the State of Alabama knew about or had in mind conditions in Dekalb County in considering the registration laws for the registration of women?—A. I feel like our representatives from northern counties, from the seventh congressional district, made it known to the representatives of other districts that the only way to carry the seventh congressional district for Rainey was to delay the registration and not give the country women a chance to register, and give better opportunities for the towns, which are mostly Democratic.

Q. Is it not a fact that you got this feeling from campaign literature circulated by the Republicans making such statements during the campaign?—A. No, sir; that's not a fact. If they made such statements by publishing anything, I don't know anything about it. The fact is I got this impression because for 30 years I don't think where there is a close contest it was ever intended to give us a fair election.

Q. Will you state on your oath that you did not see the circulars signed by Mr. Kennamer and scattered promiscuously over this county, and also circulars signed by his campaign committee, in which the statement substantially like

the one you made was made?—A. I will state that I saw several circulars gotten out by Mr. Kennamer, and I think I read them, and he might have made the same statement about it that I did. I don't know whether he did or not; can't recollect. It had nothing to do with my belief about the matter. My past experience with the Democratic Party and their record in Alabama and this district made me believe what I say.

Q. You are willing to make the statement referred to when the public records show that every member of the legislature from the seventh congressional district was in favor of and tried to secure the ratification of the nineteenth amendment when that proposition was before the Alabama Legislature several weeks before the final ratification of the amendment?

Contestant objects.

A. To the best of my knowledge the legislature put off consideration of this amendment after they had taken it up. I don't know anything about what you asked. I don't know how the representatives from this district voted.

Q. I believe you stated on yesterday that it was your understanding that the registrars spent a whole day at Mentone?—A. Yes; that is my understanding.

Q. I will ask you to state if it is not a fact that the board of registrars went to Mentone on the day they organized and took the oath of office and made out their itinerary, and that they left Fort Payne about 12 o'clock of that day, went to Valley Head, posted the notices showing that they would be in precinct 11 the following day, and were in Mentone only a few hours in the afternoon?—A. I don't know anything about that; it was kept a secret from me, and me trying to find out something about it. I had requested Judge Croley and Curtis to notify me when they got ready to register. My office is right opposite Curtis's.

Q. If you had begun at Collbran, as suggested by you on yesterday, how would you have given notice of the date at Valley Head for the following morning?—A. I stated, if the registrars had no time to give notice, I don't know if this is true or not, that I would have first registered at Collbran to have given them time to give notice; and if the Democratic Party gave notice to any Republican when they started from here I have never found it out. I would have published notice and called up over the phone and published and sent them to persons of both parties in every beat.

Q. What beat was next visited after Valley Head?—A. I think it was Sulphur Springs.

Q. Had the Democratic or Republican candidate for Congress carried this precinct in the last two preceding congressional elections?—A. The Republicans have carried it the last two congressional elections; I don't know about the one before.

Q. Give the location of Henagar with relation to beat 19 and 15.—A. I can't give it exactly. In my judgment it is in one corner of Pine Grove and close to 19.

Q. Who carried beat 15, Mr. Kennamer or Mr. Rainey, in the special election preceding the last congressional election?—A. I couldn't tell you who carried that election; usually went Democratic before that.

Q. Beat 16 was the next beat visited?—A. Yes; but they held two appointments in 15.

Q. It was a Republican beat?—A. Usually so.

Q. Twenty-five was next visited and is a Republican beat?—A. Yes.

Q. Seventeen was next visited, and is it not a fact that the vote was very close in the last two congressional elections preceding the last in this beat?—A. I don't recollect about the two before the last election; I think in the special election it was pretty close, but its usually a Democratic beat.

Q. It is a fact, is it not, that in beat 24, the next one visited by the registrars, there was only about three or four difference between the two parties in the special congressional election?—A. My recollection is that was a close beat in that election; usually has been Democratic, though.

Q. State the relative strength of the two parties in beat 18, the next one visited.—A. Its over two to one Republican.

Q. The registrars registered at two places in that beat, did they not?—A. No, sir; I don't think they did.

Q. The next beat, No. 30, visited by the registrars is Democratic?—A. Yes; I think so.

Q. Beat 6 visited by the registrars was Democratic?—A. Yes.

Q. And beat 29?—A. Yes; probably.

Q. Do you know how many night appointments were made?—A. I have heard of five, I think.

Q. Name the five places and give their politics.—A. Adamsburg, beat 20; I can't give the politics, I think the last time or two it went Republican. Cope-lands Bridge, beat 5, its been Democratic. They had a meeting out here at Mince's store in beat 26, also at Lydia in beat 26, politics of Lydia for the last few years has been Republican. Mince's store is a Democratic settlement. Elrod told me that they registered 36 to 40 at his father's one night.

Q. Did you know whether the meeting at Mr. Elrod's was in the night or day time?—A. He told me it was in the night.

Q. Is it not a matter of general knowledge that in each of these night appointments more Republicans than Democrats were registered?—A. No; not as I know of. I think the registration officers claimed more Republicans registered at Adamsburg, but others, outside of Lydia probably were mostly Democratic.

Q. Do you have any information about that or are you just giving belief?—A. Just giving it from what I have heard others say.

Q. Is it not a fact that until within the last few years a majority of the beats in the county were Democratic?—A. Well, I think the majority has been Democratic.

Q. I will ask you to give all the information you have about the six names which you say were added to poll-tax list after February 1, 1920.—A. I stated that Murdock told me they had been sent in to Judge Croley, and Judge Croley had forgot to turn in the names or the money, and he thought it was right to add them to the list.

Q. Do you not think that if a voter in this county had before the 1st day of February sent money to the judge of probate for the purpose of paying his poll tax, and the judge of probate neglected to turn it over to the collector till after the 1st of February that the name should be added to the list and the person be allowed to vote?

(Contestant objects.)

A. No, sir; I don't. I believe all white men should be allowed to vote; but when I was sworn to go according to law, I'd do it.

Q. Do you know whether or not either of the six parties mentioned voted in the last congressional election?—A. I am not positive; don't know.

Q. Do you of your own knowledge know the politics of the parties mentioned?—A. I think they are all Democrats, I am not positive.

Q. Haven't you heard that A. C. Weldon was one of the leading Republicans in beat 14—all those Weldons are Republicans?—A. I hadn't heard that.

Q. Did you not expend considerable sums of money in the payment of poll tax for various parties prior to the last election?—A. No, sir. I loaned people money; I don't call loaned money spent. I think that I loaned from seven hundred to nine hundred dollars to parties. I gave our pastor of our church—I gave him a note that he owed me for \$54. I just made the statement to him that I would give him \$25 off that note, then I said to him if he would pay up his poll tax I would give him all of it. I don't think he voted.

Q. Did you not pay the poll tax, secure poll-tax receipts, for parties without their being present at the time or having requested you to do so?—A. No, sir; I did not. I might have paid some of their poll taxes where they sent money by me and requested me to pay their poll taxes.

Q. Did you not furnish one party money for the purpose of paying his poll tax and he later came to you and requested you to let him have additional money, because the amount first furnished was not enough to pay his poll tax, and you refused to let him have the additional amount, because he would not promise to vote the Republican ticket?—A. No, sir; there's not a word of truth about that statement. I never tried to make a man promise to vote a Republican ticket. I usually loaned Republicans money to pay their poll tax. I loaned one Democrat money, or a sufficient amount, to pay his poll tax. I don't know that he claims positively to be a Democrat, but he just votes nearly any way.

Q. Name that Democrat.—A. Wesley Morgan.

Q. Where does he live?—A. Last I knew of him he lived here in this beat; have not seen him lately.

Q. Do you know Frank Brown in your precinct?—A. Yes, sir.

Q. Did you not say to him, or in his presence, that you had spent about a thousand dollars in the payment of poll taxes for voters?—A. No, I think not; if I did say it, I said something that was untrue, because I don't consider loaned money spent. I might have used it that way.

Q. The money spent and loaned by you was your own money?—A. Yes.

Q. Did you require any security for the loans made?

(Contestant objects.)

A. I did not usually, some few cases were secured. I took notes for most all of it.

Q. Are you willing to take your notes or your book, and make a list of those to whom you loaned money, with the amount and the date when due and payable, and attach it as Exhibit A to your testimony?

(Contestant objects.)

A. Yes, sir, some of the notes have been paid off. Some of the notes are for part guano and part poll tax. I sell guano.

Q. About how much, in your judgment, has been paid back at the present time?—A. I would think something like \$200; I am not sure.

Q. I will ask you to make the exhibit referred to above, and file with the commissioner, and furnish the contestee with a copy of said exhibit.

Q. Did you handle any of the campaign fund in the recent campaign?

(Contestant objects.)

A. I guess I did. George L. Malone gave me \$10. I spent it getting the women out to register. I thought I spent a hundred in helping get the women out to register, but \$10 was all that was given to me.

Q. Do you know, or can you give any reasonable estimate, or the amount of money spent by the Republicans in this county during the recent campaign?

(Contestant objects.)

A. No, sir; I can not.

Q. Do you know or can you give any estimate of the amount expended by the Republican Party in the county in procuring the registration of women?

(Contestant objects.)

A. No, sir; I couldn't give anything like an accurate estimate.

Q. Prior to the time you went into the polling place on election day for the purpose of voting, did you have in your possession any official ballots; and if so, how many?—A. Never had any.

Q. Is it not a fact that on Saturday or Friday or Monday before the election you went out of the courthouse in company with one other person and that each of you at that time had in your possession one or more of the official ballots, such as used in that election?

(Contestant objects.)

A. I got an official ballot to look at myself. I don't know just what day it was. I don't know whether anybody else got one or not.

Redirect examination:

Q. Do you remember about the time that the nineteenth amendment was proclaimed to be in effect?

(Contestee objects.)

A. I recollect very well when it was passed. It was somewhere, I think, about the last of August or the 1st of September.

Q. If the governor of Alabama had immediately called the legislature together after the ratification of the nineteenth amendment, and the legislature had passed a registration law for the registration of women within the first five days of its session, and the governor had immediately approved the law and immediately appointed the registrars from the various counties, could the registrars have given ample and sufficient notice and given one whole day for the purpose of registering voters in each precinct in Dekalb County, Ala.?

(Contestee objects.)

A. They could.

Recross-examination:

Q. Give the date when the Secretary of State of the United States issued his proclamation declaring the ratification of the nineteenth amendment.—A. I have already stated that I didn't know exactly the time.

Q. Give the date when the governor of Alabama called the legislature to meet in extraordinary session.—A. I don't recollect exactly; I think it was the 14th day of September.

Q. What is the shortest time under the constitution of Alabama in which a bill can be legally passed in both houses of the legislature and signed by the governor?

(Contestant objects.)

A. I don't know.

L. A. DURHAM.

G. A. IGOU, examined for contestant, testified:

Q. In what precinct in Dekalb County do you reside?—A. Fifteenth.

Q. How many names of women did you send in to the registrars of this county in October, 1920, for the purpose of being registered?—A. I will say for sure there was a dozen; might have been more.

Q. Did you send in the names of Mrs. Julia Ellis, Mrs. Ruth Smith, Mrs. Mertie Cash, Mrs. Florence Cash, Mrs. Allace Smith, Mrs. Ellen Tatum, Mrs. Dollie Biddle, Mrs. Dan Newsom, Mrs. Mattie Biddle?—A. Yes; I think I did.

Q. Did you send in any other names besides these?—A. Mrs. Dollie Biddle never got any certificate. I sent in her certificate. There were two others—Mrs. Ben Peek and Mrs. John Gann.

Q. How did you take their applications?—A. I took their names and ages and the date and place of their birth.

Q. Who did you send it to?—A. I sent it to the chairman of the Democratic executive committee.

Q. Who was that?—A. Mr. Curtis.

Q. You had been instructed or requested to send them to him?—A. I will tell you exactly how it commenced. There were some of my neighbor women come to my house; said they failed to know when the day was to register in our beat; wanted to know of me what to do about it; said they understood the Republicans were taking applications at their homes. I told them I supposed we had the same right.

Q. How many of those names you sent in were Democrats and how many Republicans?—A. Four Republicans and the balance was Democrats.

Q. What lady was it that told you she understood Republicans were sending in names?—A. Mrs. Stone.

Q. Did you go to any one house to get their names?—A. Yes; Mrs. Gilbreath was in the bed sick. Mrs. Peek was in the bed sick, and Mrs. Biddle—she was a Democrat and the other two were Republicans.

Q. Did they all receive registration certificates?—A. All but Mrs. Biddle.

Q. Did either of these parties appear before the registrars before they got their certificates?—A. They said they had not.

Q. How did they receive their registration certificates back?—A. I gave them to them myself, some of them. Mrs. Florence Cash asked me if I was looking for Republican women or Democrats. I told her I was taking whoever I come to.

Q. But you rather had found Democratic women?—A. Oh, sure.

Q. From whom did you receive these registration certificates that you delivered?—A. I suppose they come from the chairman of the executive committee, Mr. Curtis.

Q. Are you the Democratic committeeman from your precinct?—A. I am.

Q. Did you attend a meeting called by Mr. Curtis in October about the time the registration commenced in this county here in Fort Payne?—A. I don't think I did.

Q. Did these women you have testified about vote in the November election?—A. Most of them did. I don't think all of them did. Mrs. Peek didn't get well enough to go. She was a Republican. Mrs. Biddle died. She was a Democrat.

G. A. IGOU.

BERT LACKEY, examined for contestant, testified:

Q. What precinct do you reside in?—A. Twenty-third.

Q. Do you know Dr. W. I. Wright and Mr. J. J. Cochran?—A. Yes.

Q. Do you remember about the day the registration books closed for the registration of women in October, last year?—A. No, sir; I don't remember the day.

Q. I will ask you about Mr. Cochran or his women people registering or sending in their names to registrars over the phone, was that done?—A. No, sir; I couldn't state that.

Q. Isn't it a fact from your information and knowledge that Mr. Cochran's wife's name was phoned into the registrars for registration?
(Contestee objects.)

A. No, sir; I couldn't say definitely that they did do so. I heard a conversation.

Q. What was the conversation? Who was it between? State it fully.

(Contestee objects.)

A. I think possibly it was a couple of days before the election, some one, I wouldn't say positively that it was Dr. Wright, made the remark to Mr. Cochran that he could register his women folks over the telephone; I don't know whether they did or not.

Q. Are Dr. Wright and Mr. Cochran Democrats?—A. Yes.

Q. Did Dr. Wright's women folks and Mr. Cochran's women folks vote in the election?—A. They did.

Cross-examination:

Q. In your statement did you mean that you heard this conversation about two days before the election or two days before the registration closed?—A. It was before the registration closed.

Q. In what beat do you vote?—A. Twenty-third.

Q. Were you one of the officers holding said election, and if so what position?—A. I was returning officer.

Q. Did you have any trouble controlling the crowd at the polls at any time during the day?—A. They were a considerable part of the day; we were late opening up. It was pretty hard nearly all day up till noon anyway. It was greater in the morning.

Q. Were there any Republicans inside the polling place other than the managers and clerks holding the election?—A. Yes; there was one.

Q. Who was he and what was he doing?—A. Mr. Eidson, he was a watcher, I think.

Q. What did he do during the day?—A. He was of course watching the clerks I suppose to see whether the names all appeared there that voted or not.

Q. Did he mark any tickets for anybody?—A. Yes; I think so, as well as I remember.

Q. Did he take the oath as a watcher?—A. Not that I know of.

Q. He was representing the Republican Party?—A. He had a paper signed by the chairman of the Republican committee.

BERT LACKEY.

Dr. J. D. HALL, examined for contestant, testified:

Q. Dr. Hall, what precinct do you reside in in Dekalb County?—A. Beat 16.

Q. Did you take any applications or send in any names of women or men in October, 1920, to the registrars of this county, or to any other person, for the purpose of being registered as voters from precincts 16 and 15 or any other precinct?—A. I brought in a few names; yes, sir.

Q. About how many?—A. I don't remember; not very many; somewhere between a half and a dozen.

Q. Will you give me the names?—A. Mrs. Sparks, Mrs. Reed, Mrs. Tiller, Will Munroe's wife, Mrs. Lohman McMullen. I brought in my oldest daughter's name, Mrs. Tucker, and Mrs. Bishop; seems like there was another or two; I don't remember just who now.

Q. Did you bring in Mrs. Caldwell?—A. Yes.

Q. How did you take the applications?—A. I took their name and age; put it down in a book.

Q. What did you do with the names?—A. I brought them to Fort Payne.

Q. Who did you deliver them to?—A. Mr. Curtis.

Q. What did he do with them?—A. I don't know.

Q. Mr. Curtis was the chairman of the Democratic executive committee of this county, wasn't he?—A. Yes.

Q. Who suggested or requested that you take the names of these parties and send them in to be registered?—A. I don't remember anyone; my recollection is that was some names being sent in by both sides, especially those who were not able to get out to register.

Q. Was the people whose names you took and sent in to be registered able to come to Fort Payne and be registered?—A. The most of them were not; three or four of them were.

Q. You are a Democrat?—A. I am.

Q. Are you the beat committeeman from your beat?—A.

Q. You were sending in Democratic names?—A. Two of them were Republicans; they did not vote, and one Mrs. Sparks did not vote; the others were all Democrats.

Q. Did they receive registration certificates from the board after you sent in their names?—A. That's my understanding.

Q. How did they receive their registration certificates?—A. Part of them were turned over to me and I delivered them; I don't know how the others received them.

Q. Did any of the persons whose names you took in to be registered appear before the registrars in person?—A. Not to my knowledge.

Q. Who turned over the certificates to you that you delivered?—A. I received them through the mail. My recollection is it was in one of Mr. Curtis's envelopes.

Q. Mr. Curtis is the chairman of the Democratic executive committee?—A. He was.

Cross-examination:

Q. I will ask you to state what was the condition and circumstances of the parties whose names you sent in with reference to being able to come to meet the board of registrars.

(Contestee objects.)

A. Well, my daughter was pretty shortly to be confined; was confined New Year's Day. Mrs. Sparks and Mrs. Reed were pretty feeble, Mrs. McMullen was in the same condition as my daughter, old Mrs. Tiller was pretty old, Mrs. Bishop was very advanced in years, old Uncle Whit was sick, Mrs. Caldwell's baby was sick and she couldn't afford to come to town.

Q. Did most of the women in your precinct register and vote, Democrats and Republicans?—A. Pretty completely so; more than I thought was there.

Q. In your judgment, those not registering and voting were about equally divided between the two parties?—A. In proportion to the strength of the two parties; yes.

Redirect examination:

Q. How come you to send the names to Mr. Curtis instead of the board of registrars?—A. I knew every thing that was done in the county for the Democrats was kinder under his supervision.

J. D. HALL, M. D.

Mrs. JAMES TODD, examined for contestant, testified:

Q. What precinct do you reside in?—A. I live in Dekalb County; I can't give the name or number of the precinct.

Q. How long have you resided in Dekalb County?—A. I've forgotten just how long; more than two years.

Q. Did you vote in the election in November, 1920?—A. Yes.

Q. Before whom did you register before you voted?—A. Mr. Brown—Mr. Russell Brown.

Q. Where?—A. At my home.

Q. Was there any other person present with him when you registered?—A. There wasn't any other except the family.

Q. Did any other person register before Mr. Brown?—A. I don't know.

Q. You did not appear before the board of registrars of this county?—A. No.

Q. Does Mr. Brown hold any office that you know of?—A. Yes; he holds some office.

Q. Is Mr. Brown a Democrat or Republican?—A. I think he is a Republican.

Mrs. JAMES TODD (her X mark).

Attest:

J. A. DOWNER, *Commissioner*.

GEORGE SHRADER, examined for contestant, testified:

Q. In what precinct in Dekalb County do you reside?—A. 14.

Q. Are you acquainted with Mr. Russell Brown in beat 13?—A. I am.

Q. Do you know his politics?—A. He is a Democrat.

Q. Do you know whether he is a justice of the peace?—A. He is a justice of the peace and notary public.

Q. Do you know Mr. Jim Scott?—A. Yes.

Q. Is he a Democrat or Republican?—A. Democrat.

Q. Is he a Democrat beat committeeman?—A. I don't know; suppose he is; that's my understanding.

Q. Did he or not take applications or send in the names of women to be registered as voters in October, 1920?—A. Yes.

Q. How many names did he send in?—A. I won't be positive, but think he told me 21.

Q. He told you 21?—A. Yes.

Q. Were they Democratic women or Republican women?—A. They were mixed; the majority of them Democrats.

Q. About how many of them were Democrats?—A. The best I remember, about two-thirds of them.

Q. Did they vote in the election in November, 1921?—A. No, sir.

Q. State what he said about the registration to you.—A. He registered my wife, and on Sunday before the election I seen Mr. Scott and asked him if he had the certificates and he said not, that it wouldn't be necessary to bring my wife out, so I didn't carry her out. But when I got to the election I got to see the list of the women voters and about two-thirds of what he registered was on the voting list. The ones that was Republicans were left off or were not on; according to Mr. Scott's statement to me they were left off. I raised a complaint about my wife not showing up on the list, and he said there was a number of them that didn't show up and he didn't understand it. He told me he didn't want me to think hard of him about it; I sent them altogether that he registered to Fort Payne. Said the dirty deal they were trying to pull off was at Fort Payne; it wasn't in him.

Q. The Democratic names sent in by Mr. Scott were on the poll list?—A. Yes.

Q. And the Republican names he sent in were not on it?—A. They were not on it.

Q. Was you present when the ballots were being counted by the managers at your precinct?—A. Yes.

Q. Did the managers of that election at that box or voting precinct reject or refuse to count any ballots? If so, how many, and were they Democratic or Republican ballots? State fully all about it.—A. There were five tickets that wasn't allowed to go in the ballot box; they were Republican tickets; they throwed them aside. My understanding was it was Mr. Curtis that sent them there.

Q. Is it your understanding that they were what is known as absentee ballots?—A. It is my understanding that they were absentee ballots.

Q. Who was the manager that had them?—A. A. B. Blevins.

Q. Was he a Democrat or Republican?—A. A Republican.

Q. Did you see the ballots?—A. Yes; part of them; didn't see them all.

Q. Did you know the parties? Were they marked for the Democratic ticket or Republican ticket?—A. Republican.

Cross-examination:

Q. Give the names of the five whose ballots you have just referred to.—A. A. K. Weldon, S. E. Weldon, Mrs. A. K. Weldon, Maud Weldon, Barbara Hurst.

Q. Where were these parties on the day of the election?—A. I don't know; supposed to be in Georgia.

Q. You saw all the ballots?—A. No; part of them.

Q. Before whom was the affidavit attached thereto made?—A. I don't think there was any affidavit to it.

GEORGE SHRADER.

F. W. BARKLEY, examined for contestant, testified:

Q. What precinct in Dekalb County do you reside in?—A. Beat 1.

Q. What is your politics?—A. Republican.

Q. Are you a member of the Republican executive committee of this county?—A. Yes.

Q. Did you know the registrars of Dekalb County in October, 1920?—A. Yes; I am well acquainted with Mr. Burt; the other two young men I have seen but not acquainted with.

Q. Do you know of any persons that made application to the registrars to register without appearing in person before them?—A. Yes.

Q. Who were they?—A. I told two of the registrars my daughter was not in condition to appear before the board and asked them to register her; they said they couldn't do it unless she was there in person or they could see her.

Q. Was she a Republican or Democrat?—A. I guess she was a Republican.

Q. Do you know of any other Republican women they refused to register because they didn't appear in person?—A. I know of John Conner's wife and his daughter and his mother-in-law.

Q. They refused to register them because they didn't appear in person?—A. Yes.

Q. Do you know of any Democratic women whom they registered that did not appear before them in person?—A. Dr. Killian's mother, that lived there in beat 29.

Cross-examination :

Q. You have just stated that you know that Dr. Killian's mother registered without appearing before the board of registrars. Do you mean to say you know that or that you heard that?—A. That was the general report.

Q. When was it that you talked to the board of registrars about the registration of your daughter?—A. It was the day they were at Loveless; I think it was Tuesday.

Q. How do you know they refused to register the other parties to whom you referred?—A. It was on the same day. I heard Mr. Conner talking to the registrar, Mr. Burt. Mr. Burt said it was almost quitting time, and he offered to go over there to his home if they would carry him over there and bring him back. He said they couldn't register only in person. I heard them say that several times.

F. W. BARKLEY.

L. A. DURHAM, recalled for contestant, testified :

Q. Did you make application to the registrars of this county to have any persons registered without appearing before the registrars in person? If so, state about how many, and whether or not the registrars refused to register them, and give the politics of the person that you requested to be so registered.—A. Well, I did. I told them I knew of several Republican women that were sick, and some of them confined and would be able probably to go and vote by election day, if they could register. They told me it was against the law to register any person without they were present, that they were sorry they had no law to register that kind, but that they couldn't or wouldn't violate the law. They kept it a secret from me about registering any women by proxy until the evening before the last day of the registration. A great many Republicans in the county would come to me and ask me if there was any chance to register their women without bringing them to town; I told them I thought the Democrats would register their women, but I didn't think we could register ours.

Q. They refused to register Republicans up until the evening before the last day?—A. Absolutely refused as far as I could find out. I asked them why it was that they could register Democratic women and not register Republicans; they told me then that if they were sick and couldn't get there, they would register Republican women; they had just registered a few sick women for Democrats, they said.

Q. Were you actively engaged in trying to get the Republican women registered?—A. I was.

Q. Did, on account of the registrars refusing to register Republican women who did not appear in person, any Republican women fail to register and vote in the election in 1920?

(Contestee objects.)

A. They did.

Q. In your judgment, how many?—A. I believe that on account of the Democrats not giving us the same show to take names and have them registered that they used themselves that we lost—the Republicans lost—from 300 to 500 votes.

Cross-examination :

Q. When was it you made application for the registration of women as stated in your answer to the first question above?—A. I think it was along about the second day they started out the first time; the second time, probably was about the first day they did their work here in the courthouse.

Q. Did you talk with the registrars in session as a body; if you say you did not, tell to whom you were talking?—A. I talked to them both ways. The first conversation I talked to Mr. Burt, I know, and I don't know but I think Mr. Wade was with him.

Q. Give a list of the names of the Republican women whom you requested the registrars to register and which you have stated that they refused to register.—A. Jack Miller told me he wanted his wife registered if he could register her that way; another was Mrs. P. G. Clark—I told them I knew of parties

that had come to me wanting to register that way, and they said they wouldn't register them, and I didn't present them further.

Q. Do you know whether Mrs. Miller and Mrs. Clark ever registered?—A. Mrs. Miller never did; Mrs. Clark got able and was brought out.

Q. You stated a moment ago that "they kept it a secret from me about the registration of women by proxy"—state whom you mean when you say "they" and state fully what they did to keep this matter a secret from you.—A. Well, I mean in that one particular the registration officers, also the active workers of the Democratic party. They just refused to let me know they registered them that way, told me they couldn't do it; it was a violation of the law, and never did register a Republican till the day before the last day, and I was trying to find out all the time. I guess I was in the court room every registration day, helping Republican women register. The Democratic registration officers knew that I was as active in getting women registered as any other Republican in the county. They never did let me know they could register women that way, until I found outside Democrats they were registering that way.

Q. I will ask you to give the names of every Republican woman in this county who was qualified under the law to be registered and who desired to register that you know of who did not register.—A. Well, that's a question I couldn't answer; I know of probably 8 or 10 in our beat, and from what I could find out from other beats was what I made my estimate from. I can't give many names; I can give those in our beat or some of them. Mr. Roden told me he had four he wanted me to send and get in a car. I can't give their names; there was some Wisners had no way of going. I heard of several over the beat; don't know exactly who it was.

L. A. DURHAM.

THE STATE OF ALABAMA.

Dekalb County, ss:

I, J. A. Downer, a notary public in and for said State and county and duly authorized by C. B. Kennamer, contestant, to take the depositions of witnesses in his behalf, wherein the said C. B. Kennamer, contestant, is contesting the certified election of L. B. Rainey, contestee, to the Sixty-seventh Congress of the United States of America from the seventh congressional district of Alabama, hereby certify that I have caused to come before me at the time and places mentioned in this certificate and mentioned in the notices attached to these depositions, for the purpose of giving evidence in behalf of the said C. B. Kennamer, contestant, the following witnesses, to wit:

January 13, 1921, at Fort Payne, Ala.: John B. Isbell, H. L. Graves, J. V. Mitchell, H. H. Smith, J. R. Jordan.

January 14, 1921, at Fort Payne, Ala.: W. F. Robertson, G. L. Malone, A. P. Smith, Sam McPherson, W. J. Jones, B. P. Blake, G. O. Durham, A. F. Brock.

February 10, 1921, at Fort Payne, Ala.: A. F. Brock, L. A. Durham, J. F. Parker.

February 11, 1921, at Fort Payne, Ala.: M. A. Eidson, H. H. O'Shields, John Tate, L. A. Durham, G. A. Igou, Bert Lackey, Dr. J. D. Hall, Mrs. James Todd, George Shrader, F. W. Barkley, L. A. Durham.

February 14, 1921, at Cullman, Ala.: Mrs. Alice Hardin, R. A. Glasscock, T. A. Walton, R. S. Harden, T. A. Walton, C. C. Schening, John F. Sutterer, T. J. Kennamer.

The aforesaid witnesses were duly sworn and cautioned to speak the truth, the whole truth, and nothing but the truth, all relevant questions propounded to them by the contestant and the contestee and their answers thereto, as near as may be, were taken down by me in their presence and read over to the witnesses who signed the same in my presence as their true evidence on said examination. The foregoing records, namely, A, from page 1 to 35, inclusive; B, from page 1 to 42, inclusive; C, from page 1 to 27, inclusive, contain the depositions of the aforesaid witnesses complete. I further certify that at the examination of each of the aforesaid witnesses counsel for contestee was present and cross-examined or had opportunity to cross-examine said witnesses.

I further certify that I am neither of counsel nor of kin to C. B. Kennamer, contestant, or L. B. Rainey, contestee, and that I have conducted the examinations of the aforesaid witnesses fairly and according to law, to the best of my ability.

Given under my hand and seal this the 28th day of March, 1921.

[SEAL.]

J. A. DOWNER,

Notary Public, Commissioner for C. B. Kennamer.

NOTICES TO TAKE TESTIMONY.

To L. B. RAINEY, or W. C. RAYBURN, *his attorney*:

Take notice that on Monday, February 14, 1921, contestant, C. B. Kennamer, will examine at the courthouse at Cullman, Ala., before J. A. Downer, as commissioner, the following witnesses, to wit:

Mrs. Dr. F. B. Burnum, George W. Hanlin, Mrs. J. A. Reeder, Mrs. William A. Alexander, Mrs. W. A. Hardin, John Sutterer, and Chris Scheuing, whose addresses are Cullman, Ala.; and T. A. Walton, R. A. Glasscock, and R. S. Hardin, whose addresses are Cullman, Ala., R. F. D. No. 3.

The examination of said witnesses will continue from day to day until completed. This 10th day of February, 1921.

C. B. KENNAMER, *Contestant*.

Copy hereof handed to W. C. Rayburn, attorney for contestee, at Guntersville, Ala., February 10, 1921.

C. B. KENNAMER, *Contestant*.

To L. B. RAINEY or W. C. RAYBURN, *his attorney*.

Take notice that contestant, C. B. Kennamer, will on Monday, February 14, 1921, at Cullman, Ala., before James A. Downer, as commissioner, at the county courthouse, examine as a witness in said contest Thomas J. Kennamer, whose address is Birmingham, Ala. The examination will continue from day to day till completed. This February 10, 1921.

C. B. KENNAMER, *Contestant*.

Copy hereof served on W. C. Rayburn February 10, 1921.

C. B. KENNAMER, *Contestant*.

Depositions of witnesses examined for contestant, before J. A. Downer, notary public and duly authorized commissioner to take testimony for said contestant at Cullman, Ala., February 14, 1921, contestant being represented at the taking of said testimony by O. D. Street and contestee by Payne Denson and W. E. James.

The following witnesses being duly cautioned and sworn to tell the truth, testified:

Before the taking of said testimony was begun contestee objected to the taking of same on the following grounds:

1. Insufficient notice was given in writing of the time and place, when and where that these depositions would be taken, and the names of the witnesses to be examined and their places of residence, and of the name of an officer before whom these depositions would be taken.

2. That no notice complying with the provisions set out in the first ground of objection was personally served upon contestee, or his agent or attorney authorized by him to take testimony, or cross-examine witnesses in the matter of this contest.

3. Because no notice complying with the requirements set forth in the first ground of objection was served upon contestee sufficient time by the route usually traveled, and one day for preparation, exclusive of Sundays and the day of service, as required by law.

Mrs. ALICE HARDIN, examined for contestant, testified:

Q. You are the wife of Mr. W. A. Hardin?—A. Yes.

Q. Did you register as a voter last fall?—A. Yes.

Q. Where did you register?—A. Registered at home.

Q. Where is your home?—A. In West End, Cullman, about a half mile from the courthouse.

Q. Who registered you?—A. Mr. J. K. Turner.

Q. Was he the only registrar present?—A. Yes.

Q. Did he register any others at your home at that time?—A. Yes.

Q. Do you know of his registering any others while he was on that trip?

(Contestee objects.)

A. Yes.

Q. How many others?—A. One.

Q. Who was the other?—A. My mother.

Q. Are those the only ones you know of his registering away from the courthouse?—A. All I know of.

Q. Did you vote in the election on the 2d day of November?—A. Yes.

Q. Vote the Democratic or Republican ticket?—A. Voted Democratic, just straight.

Cross-examination:

Q. Was your mother at your house at that time?—A. No.

Q. Did she live near you?—A. Yes.

Q. What was her condition at the time she registered?—A. She wasn't able to go to register; she was sick.

Q. Were you waiting on her?—A. Yes.

Q. Did you send after the registrar to come register you and your mother, by your husband?—A. Yes.

Q. How close did you live to your mother?—A. Just one block away.

Q. What was your physical condition at that time?—A. I was well at that time, but while they were registering my mother I had them register me too.

Q. Is Mr. J. K. Turner, a registrar, a neighbor of yours?—A. Yes.

Q. How far does he live from you?—A. One block.

Q. How far from your mother?—A. Two blocks.

ALICE HARDIN.

R. A. GLASSCOCK, examined for contestant, testified:

Q. I will ask you if you live in Cullman County.—A. Yes; 6 miles east of here.

Q. In the neighborhood known as Berlin?—A. Yes.

Q. I will ask you if during last fall the registrars visited your home?—A. Yes.

Q. Which ones of them?—A. J. K. Turner and D. V. Smith.

Q. Day time or night?—A. Night.

Q. Did they register voters at your house that night?—A. Yes.

Q. Do you remember about how many?—A. Well, I don't remember exactly how many, a few over 20—might have been 23.

Q. Was there any public notice given that voters would be registered at that time and place?—A. No; there was not.

Q. Do you remember the date of that visit?—A. I don't remember exactly, but it was on Saturday night before the registration closed.

Q. Are you a Democrat or Republican?—A. Democrat.

Q. How did it happen, if you know, that the registrars went to your home on this occasion?—A. Bob Davenport told me they were coming.

Q. Mr. Davenport a Democrat or Republican?—A. A Democrat.

Q. Where does Mr. Davenport live?—A. At Berlin.

Q. Did Mr. Davenport tell you how he knew they would be there?

(Contestee objects.)

A. No; he didn't tell me how he knew. He had the appointment at his place first, he said, and wanted to change to my house on account of having more room.

Cross-examination:

Q. Was it generally known over the community that night that those registrars would be there that night for the purpose of registering any one who wanted to?—A. I supposed it was.

(Contestant objects to the answer.)

Q. Was it telephoned?—A. Yes; messages went from my place.

Q. The first time they visited Berlin, was there any lengthy public notice given of it?—A. I never did see one.

Q. Was it generally known in that community that they would be there the first day they went?—A. I couldn't say; I didn't know it.

Q. How far do you live from Berlin?—A. About half a mile.

Q. Were any Republicans registered that night at your house?—A. There was some registered that voted the Republican ticket.

Q. A majority of the board of registrars of Cullman were there?—A. Yes.

Redirect examination:

Q. Did you do any telephoning yourself, giving notice of the meeting at your house?—A. No.

Q. You don't know to whom the telephone messages were sent?—A. I remember where one went to. It was sent to Will Peavy and his mother and sister.

Q. That's the only one you heard and can now remember?—A. That's the only one I paid any attention to.

R. A. GLASSCOCK.

T. A. WALTON..examined for contestant, testified:

Q. You live in the neighborhood of Berlin, Cullman County?—A. Yes.

Q. Did you know anything about this registration of voters that occurred at Mr. Glascock's house before it took place?—A. I heard something about it; something like an hour or two before it took place.

Q. From whom did you get your information?—A. From two different sources. The first was from Henry Glascock, a nephew of R. A. Glascock. Mr. Shewing and John Walker called me up to make an inquiry as to what I knew about this proposed registration.

Q. About what time of day was it that Mr. Henry Glascock mentioned it to you?—A. Just a little before sundown.

Q. State what, if any, request he made of you not to say anything about it; just state all he said along that line.

(Contestee objects.)

A. He told me that, if I am not mistaken, that his uncle Ryan and his father came to his house wanting him to carry his wife up there to register, and also he requested me to not have his name connected with it, as it was a family matter and they didn't want any family trouble.

Q. What time was it when Mr. Cris Shewing and Mr. Walker called you over the phone and made their inquiry?—A. It was after dark.

Q. Did you go to Mr. Glascock's home that night?—A. Yes.

Q. Whom did you go with?—A. Mr. Shewing.

Q. What time did you and he get there?—A. I don't know exactly; the people were there registering when we went in.

Q. How long did you and Mr. Shewing remain?—A. About 10 minutes, I guess.

Q. How many people were there, in your judgment, when you arrived?—A. Well, I couldn't say; quite a crowd, though.

Q. Did you see any there who were known in the community as Republicans?—A. No.

Q. Have you made inquiry among the Republicans since then to ascertain whether or not any Republicans of that community knew of that proposed registration?

(Contestee objects.)

A. I have.

Q. Have you been able to find a single Republican of Berlin or that vicinity who says he knew of it before it occurred?

(Contestee objects.)

A. I have not.

Q. Are you well known in that community?

(Contestee objects.)

A. I suppose I am.

Q. What business are you engaged in at Berlin?—A. Farming.

Q. How long have you lived in that community?—A. About 16 or 17 years.

Q. Are you a Democrat or Republican?—A. Republican.

Q. Is your politics well known in that community?

(Contestee objects.)

A. I think so.

Cross-examination:

Q. You and Mr. Shewing went in at the back door of Mr. Glascock's house, didn't you?—A. We went to the front door, and the front room was occupied by ladies, and Mr. Glascock told us they were registering in the dining room or kitchen; we went in there.

Q. Went round the house and went in at the back door?—A. In the kitchen; yes.

Q. Did you go with Mr. Shewing and Mr. Smith and Mr. Turner to Vinemont that night?—A. No.

Q. Do you know how all those ladies who registered there that night voted?—A. I don't know how all of them voted.

Q. Do you know that any who registered there voted the Republican ticket?—A. None to my knowledge.

Q. Have any who registered there that night told you since that they voted the Republican ticket?—A. No.

T. A. WALTON.

R. S. HORDEN, examined for contestant, testified:

Q. Do you live in the neighborhood of Berlin in Cullman County?—A. Yes.

Q. How long have you lived there?—A. About 17 years.

Q. Are you a Democrat or Republican?—A. Republican.

Q. Is your politics well known in that community?

(Contestee objects.)

A. I think so.

Q. Did you know anything about this registration that occurred at Mr. Glascock's home before it took place?—A. No.

Q. How far do you live from Mr. Glascock's?—A. About a mile.

Q. Are you acquainted with Mr. Glascock?—A. Yes.

Q. How long have you known him?—A. Fifteen or sixteen years; maybe longer.

Q. Did you ever see any published notice of any kind, either before or after that registration, that a registration of voters would be held at that time and place?—A. No.

Q. When did you first learn that such a registration had occurred?—A. It was the next day after it was held that night.

Cross-examination:

Q. You and your folks had already registered?—A. Yes; I brought them here to the courthouse. I didn't know there would be any other place.

Q. You registered your womenfolks before they had that meeting out there?—A. Yes.

Q. After that time you didn't pay any more attention to the registration?—A. Well, I don't know that I did; was paying right smart attention, too; wanted everybody to register.

Q. Before this time had the Republicans been putting on quite an active campaign to get their womenfolks in to the courthouse to register?—A. Yes; we was after them to come to town and register.

Q. I will ask you if they didn't also rush their womenfolks out the day they registered out at Berlin according to the published notice?—A. If they did I don't know it, for I don't remember the day they were going to register there.

Redirect examination:

Q. I will ask you if the registrars failed to fill the first appointment they published to register voters at Berlin.

(Contestee objects.)

A. I think so. I heard of some who went and there wasn't any registrars there.

(Contestee objects to the answer.)

Q. Did you know anything about that appointment until after it was had?—A. I didn't myself.

Q. Did you know anything about another published appointment they had over there until after it was had?—A. No; I never.

Recross-examination:

Q. You can read?—A. No.

Q. Do either one of the county papers published in Cullman come to your house?—A. No.

R. S. (his x mark) HORDEN.

Attest: J. A. DOWNER, *Commissioner*.

Contestant offers in evidence a notice appearing in the Cullman Democrat, a newspaper published in the town of Cullman, Ala., on Thursday, October 14, 1920, in words as follows:

NOTICE—WOMEN MAY REGISTER.

All women and men entitled to register will meet the registrars at the following places and following dates:

Hanceville, October 12, 8 a. m. to 2 p. m.

Garden City, October 12, 2 p. m. to 5 p. m.

Baileyton, October 13, 8 a. m. to 12 m.

Joppa, October 13, 1 p. m. to 5 p. m.

Walter, October 14, 8 a. m. to 12 m.
 Holly Pond, October 14, 1 p. m. to 5 p. m.
 Bremen, October 15, 8 a. m. to 12 m.
 Arkadelphia, October 15, 1 p. m. to 5 p. m.
 Ebenezer, October 16, 8 a. m. to 12 m.
 Jones Chapel, October 16, 1 p. m. to 5 p. m.
 Trimble, October 18, 8 a. m. to 12 m.
 Crane Hill, October 18, 1 p. m. to 5 p. m.
 Court House, October 19 to 26, inclusive.

Due to limited time the registrars can not go to every precinct as advertised. We can only make the points named above. All parties entitled to register can meet the registrars at either of the places named above most convenient to them.

The registrars are required to spend from October 19 to October 26, inclusive at the courthouse, and all parties not able to be at the places named above can register at the courthouse on either of these days.

J. K. TURNER, *Chairman*.
 D. V. SMITH.
 RUTH WILBANKS.

T. A. WALTON, recalled for contestant, testified:

Q. Were you present at Berlin on Thursday, October 14, the day it was first advertised that the registrars would be there for the purpose of registering voters?—A. I was.

Q. Did either one of the registrars make his appearance there that day?—A. No; unless it was very late in the afternoon.

Q. How late would you say?—A. Something like middle of the evening, middle of the afternoon; I left there at that time.

Q. Did any persons appear there that day for the purpose of registering? (Contestee objects.)

A. Yes.

Q. Did they register or go away without registering?—A. They went away without registering.

Cross-examination:

Q. The time you testified about this morning, the night the registrars were out there, your women folks had all registered, had they not?—A. Yes; my wife and I had.

Q. Did you read the first notice, the notice of the first appointment to register voters at Berlin?—A. Yes.

Q. Did that notice not state that one of the registrars of Cullman County would be at Berlin at that time for the registration of voters?—A. I don't remember.

Redirect examination:

Q. Examine this newspaper, the Cullman Tribune, of date October 7, and state if that is the notice to which you refer.—A. Yes; I think it is.

(Contestant offers said newspaper in evidence, marked "Exhibit No. 1.")

T. A. WALTON.

(Contestant offers in evidence the column of said Exhibit No. 1 headed as follows: "Special session ends sine die on Saturday night.")

(Contestee objects to the introduction of said exhibit.)

CONTESTANT'S EXHIBIT No. 1.

[From the Cullman Tribune, Cullman, Ala., Thursday, Oct. 7, 1920.]

SPECIAL SESSION ENDS SINE DIE ON SATURDAY NIGHT—THE \$500,000 APPROPRIATION FOR SCHOOLS AND COLLEGES LOST BY ACTION OF THE HOUSE.

MONTGOMERY, ALA., *October 2.*

The extraordinary session of the Alabama Legislature came to an end Saturday night at 9 o'clock when the senate and house adjourned sine die.

All measures requested by Gov. Kilby in his proclamation convening the session have been acted upon, and many of the bills he recommended in his opening message were completed and now await the governor's signature.

Both houses of the State legislature completed the passage of bills on their calendars Saturday afternoon, and met again Saturday night to complete the business of the special legislative session. Saturday afternoon was devoted by both houses largely to the work of ironing out differences between the two branches of the legislature on bills which had passed the respective houses and the reception of amendments to bills suggested by Gov. Kilby.

The meeting of the house of representatives Saturday afternoon was featured by the action of that body in refusing to concur in an amendment to a bill sent to the governor by both houses, providing for an appropriation of \$500,000 to the higher institutions of learning and the common schools. The legislature had agreed on a division of the money equally between these two classes of schools, and the governor returned the bill with an amendment that the division be \$350,000 for the higher institutions of learning and \$150,000 for the common schools.

This evoked a storm of opposition in the house, in which the chief executive was severely criticized, and the house refused to concur in the amendment. Instead it indefinitely postponed the bill, which means that the entire appropriation will be lost, as the bill can not now be enacted into law.

The senate passed 15 bills Saturday afternoon which the house had already acted on, and these measures, along with the senate bills passed by the house, were enrolled and sent to the governor so legislature could adjourn sine die Saturday night.

Upon reconvening Saturday afternoon the house adopted a senate joint resolution deploring the death of the late Thomas M. Owen, former director of the department of archives and history, and paying a tribute to his work for the State, both as citizen and official. Mr. Owen died on March 25, 1920.

The house concurred in an amendment submitted by the governor to the bill giving \$1,500 to each county high school in the State. As this bill passed both houses it made the \$1,500 payable without being conditional on condition of the treasury. The governor's amendment made \$1,000 of the amount to be paid absolutely and the \$500 conditional. The house also concurred in the senate amendment to the house dynamite bill, making it a felony to willfully destroy buildings by high explosives. The senate amendments excepted from the bill the dynamiting of buildings to prevent the spread of fire and the use of high explosives for mechanical purposes, where there is no intent to willfully destroy property.

The house Saturday passed a resolution asking members of the legislature to contribute to the national Democratic campaign fund. No special amount was specified and a commission was appointed to collect the subscriptions. Nearly all members of the house contributed at least \$1 each.

C. C. SCHEUING, examined for contestant, testified:

Q. You are commonly called "Chris"?—A. Yes.

Q. Where do you live?—A. I live here at Cullman, in town.

Q. Are you a Democrat or Republican?—A. Republican.

Q. I will ask you if you took some stock in the campaign during the fall of 1920?—A. Yes.

Q. Did you try to keep up in a general way with the progress of the campaign in this county?—A. I did; I was on the ticket, candidate for coroner on the Republican ticket.

Q. Do you remember about a list of appointments published by the registrars in the local newspapers of October 7? I refer to the first.—A. Yes.

Q. So far as you have been able to learn, did the registrars fill either one of said appointments?

(Contestee objects.)

A. No; I don't know of any that was filled.

Q. Is it your information that they did not fill any of those appointments?

(Contestee objects.)

A. Yes; that is my information.

Q. I will ask you if another different list of appointments were published in the local newspapers of October 14?—A. Yes.

Q. What are the strong Democratic localities of Cullman County?—A. Well, there's Hanceville, beat 3; Walter, beat 24; and Berlin, beat 23; I'm not positive, but think those were the only three that went Democratic. I think Garden City went Democratic by a small majority.

Q. Is there also a strong Democratic vote in Cullman town?—A. Yes.

Q. These places you mentioned, Hanceville, Cullman, Garden City—are they all on the L. & N. Railroad?—A. Yes.

Q. Is there easy communication from Cullman to those places?—A. Yes.

Q. How long does it take mail to get from Cullman out to the remoter rural sections of the county?

(Contestee objects.)

A. Parts of the county it will take two days.

Q. This second list of appointments made by the registrars—I will ask you if the registrars had commenced their rounds before that second notice appeared in the papers at all?—A. Yes.

Q. From your observation and what you heard at the time state whether or not in your judgment that second list of appointments of the registrars was well or poorly advertised?

(Contestee objects.)

A. I considered it poorly advertised, because they were registering before the paper came out.

Q. Were you present at Mr. R. A. Glasscock's residence on Saturday night before the registration closed?—A. Yes.

Q. How did you learn that a registration was to be held at Mr. Glasscock's that night?—A. Mr. John Walker informed me that they were going to register there.

(Contestee objects to said answer.)

Q. About what time of the day did you get that information?

(Contestee objects.)

A. Between 4.30 and a quarter to five.

Q. Did you then call some one over the phone and make any inquiry of anyone over at Berlin?

(Contestee objects.)

A. Yes; I called Mr. T. A. Walton.

Q. Did you go over to Mr. Glasscock's that night?—A. Yes.

Q. About what time did you get there?—A. It was between 7 and 8 o'clock.

Q. Were there any persons there at Mr. Glasscock's house when you arrived?—A. Yes; I suppose there was from 25 to 35.

Q. How long did you and Mr. Walton remain?—A. We stayed there 10 or 15 minutes. They registered four ladies while we were there.

Q. You are acquainted with the two gentlemen and the lady who composed the board of registrars for Cullman County?—A. Yes.

Q. Are they Democrats or Republicans?—A. They are Democrats.

Q. Do you know whether or not Miss Wilbanks, one of the registrars, is in the employ of Mr. Kilpatrick?—A. She is working for Mr. Kilpatrick.

Q. Has Mr. Kilpatrick any official connection with the Democratic organization of the county?—A. He is chairman of the executive committee.

Q. Do you know in what capacity Miss Wilbanks works for him?—A. I think she is his stenographer.

Cross-examination:

Q. How often is the newspapers published in Cullman?—A. Once a week.

Q. What day of the week?—A. I don't remember; I usually get mine Thursday or Friday. It is conceded by both sides that the local papers of Cullman bear date as of Thursday of each week.

Q. Did Miss Wilbanks work for Mr. Kilpatrick any while she was registering voters?—A. I couldn't say about that; I would just see her going backward and forward to the courthouse to Mr. Kilpatrick's office across the street.

Q. How many newspapers are published in Cullman County?—A. I don't know of but two, the Tribune—Cullman Tribune—and Cullman Democrat.

Q. Did you see any of the dodgers of this second notice of registration?—A. Yes.

Q. Did you help distribute any?—A. No.

Q. Did you see them before you saw the notice in the newspaper?—A. I couldn't say about that positively. I remember talking to Mr. J. K. Turner, one of the registrars.

Q. Did he tell you to get news to the Republicans of the notice of the time and place of registration in the different beats?—A. No; he said nothing about that.

Q. You were talking to him about these appointments?—A. Yes.

Q. The poster was there at the time you were talking?—A. Yes.

Q. Did you request any posters to distribute from Mr. Turner?—A. No.

Q. Did Mr. Turner, or anybody else, give you any of these posters?—A. No one gave me any posters.

Q. You have been sheriff of Cullman County?—A. Yes.

Q. You are familiar with the topography, the geography of the county, and the roads of the county?—A. Yes.

Q. You remember that the registrars had a very short time after receiving a copy of the registration laws to register the voters of this county before the time ran out for registration, do you not?—A. I hardly know how to answer; I don't know when they got the copy of the laws.

Q. Do you know that the delay in getting a copy of the law which was passed a short time before the registration began and also the delay in procuring from the proper State officials the necessary books and blanks on which to register the voters of this county made it necessary to change the first list of appointments and make a second list of appointments at which to register voters?—A. I don't know anything about that official part; I don't know why they had to change it; I knew it was changed.

Q. You went to Mr. R. A. Glasscock's with Mr. Walton?—A. Yes.

Q. Did Judge Buchman say anything to you before you went out there that night—before you went?—A. My recollection is me and Judge Buchman talked about it down here in his office.

Q. Did he tell you that Mr. Denson had told him before you had the conversation that they were going out there?—A. No.

Q. About what time in the afternoon did you have that conversation?—

A. About a quarter till 5, or about 5 o'clock.

Q. Who was the first person you saw after you got in the kitchen door out there?—A. Saw Mr. Smith and Mr. Turner and two ladies I didn't know.

Q. Did you not request Mr. Turner and Mr. Smith to go with you to Vinemont that night to register some women voters?—A. Yes.

Q. Vinemont is a strong Republican bent, is it not?—A. Yes.

Q. Voted about 4 to 1 Republican last time, didn't it?—A. I couldn't say offhand; think it did.

Q. They went with you to Vinemont that night, did they not?—A. No.

Q. They did go to Vinemont that night?—A. They did come to Vinemont about 9.30 or 10 that night.

Q. They followed you up there?—A. Yes.

Q. Did they register any voters up there that night?—A. No; they didn't register any.

Q. Did anybody make any application to register there that night while you were along?—A. Two parties did.

Q. Didn't they register them?—A. They asked the registrars to go to their houses, and they told them they couldn't do it, if they were there they would register them, but they had no right to go to anyone's house.

Q. Where were they at this time?—A. In the school building at Vinemont.

Q. Did they tell you to wait there for them at Berlin as you went on?—A. No; I told them that we were going to have speaking at Vinemont that night, and I learned there was a good many ladies who hadn't registered, and asked them whether they could arrange to send a registrar up there—asked them whether they couldn't go up there—and they finally agreed to go.

Q. Was it announced at the speaking that they would be there to register the voters?—A. No.

Q. They were speaking when you got there?—A. Yes.

Q. And it wasn't announced?—A. No. The registrars got there before the speaking was over, and after the speaking was over the announcement was made that anyone who wanted to could register—

Q. As a matter of fact, the registrars went to the houses of the people who made application to have them go to their houses and register that night?—A. I do not know. I did not come back with them.

C. C. SCHEUING.

Contestant offers in evidence the result of the election for Congress by precincts, as shown by the records of the probate office of Cullman County, as follows:

Precinct.	Rainey.	Kennamer.	Precinct.	Rainey.	Kennamer.
No. 1, Cullman, box 1....	306	353	No. 14, Logan.....	56	105
No. 1, Cullman, box 2....	225	332	No. 15, Jones Chapel.....	64	149
No. 1, Cullman, box 3....	186	244	No. 16, Battleground.....	19	32
No. 2, Goodhope.....	104	81	No. 17, Ebenezer.....	107	156
No. 3, Hanceville.....	324	95	No. 18, Vinemont.....	47	193
No. 4, Garden City.....	68	47	No. 19, King Schoolhouse..	82	179
No. 5, Stouts Mountain....	18	17	No. 20, Baileytown.....	105	245
No. 6, Country.....	22	69	No. 21, Joppa.....	45	201
No. 7, Arkadelphia.....	38	37	No. 22, Holly Pond.....	132	135
No. 8, Antioch.....	5	18	No. 23, Berlin.....	97	65
No. 9, Cold Springs.....	25	43	No. 24, Walter.....	151	59
No. 10, Bremen.....	29	87	No. 25, Welty.....	86	65
No. 11, Trimble.....	100	176			
No. 12, Crane Hill.....	122	141	Total.....	2, 608	3, 438
No. 13, Adams.....	42	114			

JOHN F. SUTTERER, examined for contestant, testified:

Q. Where do you live?—A. Here in the city of Cullman.

Q. Do you hold any official position in the Republican organization of Cullman County?—A. I'm county chairman.

Q. How long have you held that position?—A. About 10 years.

Q. Did you take a part in the campaign for Congress and other officers in the general election held in November last?—A. Yes.

Q. Did you in a general way endeavor to keep up with the progress of the campaign in your county?—A. Yes.

Q. Do you recall the registrars publishing a list of appointments in the newspapers of the town of Cullman on October 7?—I refer to the first list published by them?—A. Yes.

Q. Examine this paper marked as Exhibit No. 1 and state if that is the list of appointments to which you refer.—A. It is.

Q. So far as you have been able to ascertain, did the registrars fill either one of these appointments?—A. I think not.

(Contestee objects to the answer.)

Q. Have you made inquiry to find out?—A. Yes.

Q. Have you heard of a single one of these places they went to at the time mentioned there?—A. From the best information I could gather they never went to either one of those appointments.

Q. I will ask you if another and different list of appointments was published by the registrars in the local papers of October 14?—A. Yes; there was; then they had some circulars out giving the change of the dates.

Q. I will ask you if the registrars had actually started on their round before this second list appeared in the newspapers?—A. I haven't heard if they have.

Q. Are you acquainted with the two gentlemen and the lady who composed the board of registrars for Cullman County?—A. Yes.

Q. Are they Democrats or Republicans?—A. Democrats.

Q. Did any Republican have any official connection with the board of registrars for Cullman County?—A. No.

Q. Were you furnished with any advance information by the board of registrars as to when or where they would begin the registration of voters?—A. No.

Q. Do you remember just when it was that you got your information about this second list of appointments?—A. When I saw it in the paper, the local paper published here.

Q. I will ask you if the publication of this first list and its withdrawal, and the publication of a second list caused a great deal of confusion among the people as to when and where registration would be held?

(Contestee objects.)

A. Yes.

Q. From what you observed, and what you heard at that time, state whether or not in your judgment this second list of appointments was well or poorly advertised?

(Contestee objects.)

A. I think it was well advertised; they had it in the papers, and had circulars out.

Q. You mean well advertised after the newspapers and circulars got distributed abroad through the county?

(Contestee objects.)

A. Yes.

Q. Where does the Democratic strength of the county of Cullman chiefly lie?

(Contestee objects.)

A. In Walter beat, in Hanceville beat, in Holly Pond, Welty.

Q. Does Cullman lie on the L. & N. Railroad?—A. Yes.

Q. Hanceville on the railroad?—A. Yes.

Q. Garden City?—A. Yes.

Q. How far does Berlin lie off the railroad?—A. About 6 miles.

Q. Is there easy communication by telephone and dirt road from Cullman to Berlin?—A. Yes.

Q. How far does Walter lie off the railroad?—A. Six or seven miles.

Q. How far does Welty lie off the railroad?—A. About 6 or 7 miles.

Q. You know something about the movement of the mails from Cullman to other portions of the county, do you?—A. Yes.

Q. How long does it take mail to get from Cullman to the remoter sections of the county?—A. I should think they would get there in six or seven hours.

Q. Aren't there portions of the county that the mail doesn't get to until the second day after it leaves Cullman?—A. Yes.

Cross-examination :

Q. You have been postmaster of Cullman?—A. Yes.

Q. There is no portion of the county to which mail will not go later than the second day after it is mailed—mailed at Cullman?—A. Not if the weather is permissible.

Q. Garden City beat has ordinarily been considered a Republican beat for some time past, hasn't it?—A. I think not.

Q. The beat of Vinemont, 18, is immediately north of Cullman and is on the L. & N. Railroad, is it not?—A. Yes.

Q. It is a very strong Republican beat, is it not?—A. Yes.

Q. Every beat in the county can be reached by telephone from Cullman, can it not?—A. I think not.

Q. How many beats does it lack?—A. I don't remember how many, but I think they can't reach Bremen beat.

Q. Any others that you know of?—A. I think there are others, but I can't remember.

Q. I will ask you if Mr. Denson wasn't first appointed as one of the members of the board of registrars of this county—Payne Denson?—A. Yes.

Q. Didn't you have a conversation with Mr. Denson in front of Fisher & Sandlin's store after the first list appointments had been published, wherein Mr. Denson told you before the second list of appointments was published that they had not received the supplies necessary for the registration of voters in this county from the proper State officials, and that they could not get a copy of the registration laws, and that it would be necessary to publish a new list of appointments and get out dodgers—circulars as to the new appointments—and for you as chairman of the Republican Party of Cullman County to notify your beat leaders, so far as possible, of this change, or words, in substance, to that effect?—A. It will take two or three answers to that question. In the first place, to the best of my recollection, this conversation had taken place after the second notice of different arrangements had been made. I can't remember that conversation.

Q. Did you not get some dodgers from Judge Buchman and distribute them, or have them distributed?—A. No, sir.

Q. From anyone else?—A. I never received any circulars.

Q. When did you first see one of these circulars?—A. I saw it tacked up on a telephone post; I don't remember the date.

Q. Do you remember whether you saw it before you saw it in the newspapers?—A. I do not remember.

JOHN F. SUTTERER.

T. J. KENNAMER, examined for contestant, testified:

Q. Where do you live?—A. Birmingham, Ala.

(At this point contestee objected to taking the deposition of this witness, because he lives out of the congressional district in which this contest arose; because Mr. Kennamer is not a qualified elector of Cullman County, Ala.; because of the reasons assigned to the taking of the depositions of the witnesses heretofore taken.)

Q. Are you related to Mr. C. B. Kennamer?—A. I am a brother.

Q. I will ask you if you spent a part of your time during the recent campaign in Cherokee County?—A. I did.

Q. Were you taking active part in the campaign up there?—A. I was.

Q. Did you endeavor to keep up with the progress of the campaign in that count?

(Contestee objects.)

A. I did.

Q. When was the first information you received as to who were the registrars for that county, or as to when they would begin registering voters?

(Contestee objects.)

A. As to who the registrars were, my recollection is I notice that in a list of registrars appointed over the State in one of the Birmingham papers. As to when they commenced registering the voters in Cherokee County, I was unable to ascertain from any published notice or word until the night of the 15th of October. I was at Lawrence, in Cherokee County.

Q. How did you get that information?—A. We had a speaking at Lawrence on the night of the 15th and we were urging the women folks to register as early as they could ascertain when the registrars would open the books. After the speaking we were informed by—there was a man told us that the registrars had been at Gaylesville that day registering the women. This was only two miles from Lawrence.

(Contestee objects to said answer.)

Q. Did this man make this announcement so that the audience heard what he said?—A. I don't recollect as to that; it became generally known through the crowd; they didn't know it until that time, after the statement was made.

Q. Had you seen any sort of published notice prior to that as to when or where registration would be held?—A. I had not.

Q. How long had you been in Cherokee County at that time?—A. I had been in the county five days.

Q. After the board began its sittings at the county seat, state whether you had a conversation with Mr. Wash Mitchell, one of the registrars.—A. I did.

Q. Were the registrars of Cherokee County Democrats or Republicans?—A. Democrats.

Q. Did any Republican have any official connection with the board of registration?—A. They did not.

Q. Please state the substance of this conversation with Mr. Mitchell.

(Contestee objects.)

A. I told Mr. Mitchell that when he went out in the country to register the women that I wanted him to let me know, as I wanted all the women registered, both Republicans and Democrats. He promised to do so. I asked him if he had not been out that morning registering women; he said he had been to Round Mountain and had registered 100 that morning. I told him that I wanted to know when he went out, as we wished to inform Republican women of the fact so they could come before him and register. He never did inform me or let me know when he was going out.

Q. I will ask you if, within a few minutes after that conversation, Mr. Mitchell got into a car with Mr. McCuller, another one of the registrars, and drove off in the direction of Pollard's Bend?

(Contestee objects.)

A. In the conversation, told about above, I asked him if he was not going out that evening to register voters; he said no. In about 20 minutes he and Mr. McCuller, another one of the registrars, got into Mr. Mitchell's automobile and drove over into Pollard's Bend, beat 9, and did not return until next morning about 9 o'clock.

Q. Is Pollard's Bend a Democratic or Republican community?

(Contestee objects.)

A. Strongly Democratic.

Q. Were you present at the official count up there?—A. I was.

Q. Do you know how Pollard's Bend voted?

(Contestee objects.)

A. I have the figures here, as they were called off by the probate judge and clerk. It shows the vote on Congressman was: Rainey, 125; Kennamer, 26.

Q. Is this paper a correct tabulation of the official count as made by the canvassing board of that county?

(Contestee objects.)

A. It is.

(Contestant offers in evidence said paper, marked "Exhibit No. 2.")

Q. When these gentlemen drove off in that car, did anyone follow them?—

A. They did.

Q. Who followed them?—A. Mr. Milton Watts.

Q. From what you saw and heard, please state whether, in your judgment, the appointments of the registrars for the registration of voters in Cherokee County were well or poorly advertised.

(Contestee objects.)

A. I don't know of any advertising at all.

Q. You spoke of Gaylesville—is that a Democratic or Republican community?

(Contestee objects.)

A. Strongly Democratic.

Cross-examination:

Q. Where do you vote as a qualified elector?—A. In Jefferson County, beat 9, box 5.

Q. How come you did not testify as to these facts in Cherokee County, in that county instead of Cullman County?—A. It was more convenient for me to come to Cullman than to go to Center.

Q. Have you been subpoenaed as a witness to testify at Center, or any other point in Cherokee County?—A. I was not.

Q. How do you know that Mitchell and McCuller went to Pollard's Bend?—A. Mr. Watts, the man that went along behind them, informed me.

Q. That is all you know about it?—A. Yes.

Q. Did you ever live in that county?—A. No.

Q. How long did you stay up there?—A. About 10 days, is my recollection.

Q. Who paid your expenses?—A. Paid them myself.

Q. Who furnished the money?—A. I furnished the money if I paid them myself.

Q. What is your occupation?—A. Deputy United States clerk.

Q. Did your brother pay you any money on your expenses or for your time in working in Cherokee County?—A. He did not.

Q. What salary do you get as deputy United States clerk?—A. I get over \$150 a month.

Q. Did you draw that salary during the 10 days you were in Cherokee County working for your brother?—A. I did.

T. J. KENNAMER.

CONTESTANT'S EXHIBIT No. 2.

Official count of Cherokee County, Nov. 5, 1920.

Beat.	Boxes.	Rainey.	Kennamer.	Majority, Rainey.	Majority, Kennamer.
1	First district.....	26	31	.....	5
1	Second district.....	39	157	.....	118
2	First district.....	47	81	.....	34
2	Second district.....	30	56	.....	26
3	First district.....	18	2	16	.....
3	Second district.....	13	7	6	.....
4	First district.....	70	31	39	.....
4	Second district.....	14	41	.....	27
5	.....	45	144	.....	99
6	.....	370	226	144	.....
7	First district.....	39	27	12	.....
7	Second district.....	24	22	2	.....
8	First district.....	70	13	57	.....
8	Second district.....	34	40	.....	6
9	.....	125	26	99	.....
10	.....	117	59	58	.....
11	.....	65	51	14	.....

Official count of Cherokee County, Nov. 5, 1920—Continued.

Beat.	Boxes.	Rainey.	Kennamer.	Majority Rainey.	Majority Kennamer.
12	.....	118	118	.....	.....
13	.....	99	24	75	.....
14	First district.....	96	33	63	.....
14	Second district.....	36	41	.....	5
15	.....	65	64	1	.....
16	.....	70	34	36	.....
17	.....	70	20	50	.....
18	.....	43	17	26	.....
19	.....	7	37	.....	30
20	.....	39	69	.....	30
21	.....	100	27	73	.....
22	.....	97	9	88	.....
23	.....	17	30	.....	13
24	First district.....	12	9	3	.....
24	Second district.....	.....	.....	.....	.....
	Total.....	2,015	1,546	862 393	393
	Majority.....	.....	.....	469	.....

¹ Socialist, 12.

NOTICES TO TAKE DEPOSITIONS.

To L. B. RAINEY, Contestee:

Take notice that Charles B. Kennamer, contestant, will take the deposition of the witnesses named in this notice at the courthouse of Etowah County, Ala., beginning at 9 o'clock a. m., on Monday, the 17th day of January, 1921, and from day to day thereafter until the examination of said witnesses is completed. The depositions will be taken before J. S. Franklin, a duly authorized commissioner under the law.

The names and addresses of the witnesses are as follows: Louis Domico, E. D. Abernathy, T. J. Beck, Price Railey, Mrs. Emma Riley, Mrs. Nellie Whitt, all of Alabama City, Ala.; Miss Lucile Barnes, Hokes Bluff, Ala.; Rev. T. N. Crumpton, Walnut Grove, Ala.; C. W. Adams, Rock Springs, Ala.; W. L. Powell, Gadsden, Ala.; W. Y. Hopkins, Gadsden, Ala.; J. B. Sheffield, Gadsden, Ala., route 1; Lutes Silvey, Gadsden, Ala., R. F. D.; P. H. Gilbert, Gadsden, Ala., R. F. D.; J. W. Dismukes, Gadsden, Ala., R. F. D.; Miss Minnie Daughdrill, Alabama City, Ala., R. F. D. 1; Roof Alverson, Keener, route 2; Laurice Gilbert, Attalla, route 2; Jessie Howard, Attalla, Ala., route 2; Adaline Johnson, Attalla, Ala., route 2; Charley Mooney, Gadsden, Ala., route 1; T. L. Dickerson and J. W. Dickerson, Gadsden, Ala., route 1; Mrs. James Collins, Altoona, Ala.; Ethel Bynum, Walnut Grove, Ala.; Mrs. Bige Battles and sister, Miss Harris, Gadsden, Ala.; Mrs. Lamar Smith, Mrs. Joe Rhea, and Mrs. Emma Cox, Attalla Ala.; Mrs. N. A. Grant, East Gadsden, Ala.; T. W. Ross and J. J. Pullen, Boaz, Ala., R. F. D.; E. A. Shortnacy, Murry Cross, Ala.; M. E. Battles, Gallant, Ala.; Cooper McNaron, Attalla, Ala.

This January the —, 1921.

THOS. H. STEPHENS,
Attorney for C. B. Kennamer.

Executed this 13th day of January, 1921, by leaving a copy of the within with L. B. Rainey.

THOS. H. STEPHENS,
Attorney for C. B. Kennamer.

To L. B. RAINEY, Contestee:

Take notice that C. B. Kennamer, contestant, will examine the witnesses mentioned in this notice, before J. S. Franklin, a notary public and duly authorized commissioner to take depositions in behalf of the said C. B. Kennamer, contestant, at the courthouse of Etowah County, Ala., at 9 o'clock a. m., Wednesday, January 19, 1921, and from day to day thereafter until the examination of said witnesses is completed. The names and addresses of said witnesses are as follows, to wit: Charles O. Duncan, Charles F. Cross, Edw. Pickard,

James Whitt, G. A. Mulligan, E. L. Powell, Mrs. Jasper Whitt, all of Gadsden, Ala.; John J. Stephens, S. W. Guest, J. W. Mills, J. C. Brasher, J. M. Hulgau, C. C. Boone, J. J. Grimes, Mrs. Ruby Tarpley, Mrs. J. A. Arnold, Miss Georgia Arnold, Mrs. Dr. Gramlin, Mrs. Ollie Smith, and Mrs. Clarence Talton, all of Attalla, Ala.; also W. J. Battles, of Attalla, Ala., R. F. D.; Mr. E. L. Hurst, of Gadsden, Ala.

Given under my hand this the 17th day of January, 1921.

THOS. H. STEPHENS.

Attorney for Contestant.

I hereby certify that I have executed the above notice by handing a copy of same to L. B. Rainey, this the 17th day of January, 1921.

THOS. H. STEPHENS.

Attorney for Contestant.

To L. B. RAINEY, *Contestee*:

Take notice that C. B. Kennamer, contestant, will examine the witnesses mentioned in this notice, in the county courthouse at 9 o'clock a. m., Saturday the 22d day of January, 1921, at Gadsden, Ala., before J. S. Franklin, a notary public and duly authorized commissioner to take depositions for C. B. Kennamer, contestant, said examination to continue from day to day until completed. The names and addresses of said witnesses are as follows: Miss Alice Camp, Miss Bertie Stone, Mr. H. A. Morgan, Mr. Homer Putman, Mrs. Homer Putman, Mrs. Lon Williams, all of Gadsden, Ala.; Mrs. Tom Thurkill, Mrs. Maggie Jones, Mr. Brig Garland, all of Alabama City, Ala.

Given under my hand this the 20th day of January, 1921.

THOMAS H. STEPHENS.

Attorney for Contestant.

I, T. H. Stephens, attorney for C. B. Kennamer, contestant, hereby certify that I executed the foregoing notice by serving a copy of same on L. B. Rainey, contestee, this the 20th day of January, 1921.

THOMAS H. STEPHENS.

Attorney for Contestant.

To L. B. RAINEY, *Contestee*:

Take notice that the witnesses whose names are mentioned in and who subscribed to the following depositions will be examined before J. S. Franklin, a notary public and duly authorized commissioner to take the deposition of witnesses on behalf of contestant, C. B. Kennamer, in his office at Gadsden, Ala., at 9 o'clock a. m., Wednesday, January 26, 1921, and from day to day until the examination of said witnesses is completed. The names and addresses of said witnesses are as follows, to wit: Willie Easterwood, Lum Kirkpatrick, of Gadsden, Ala.; M. L. Edwards and Mrs. M. L. Edwards, Murry Cross, Ala., route 1; Ewing Cox, Attalla, Ala.; Mrs. Abercrombie, Mrs. Maggie Kisselburg, G. W. Stovall, Attalla, Ala., R. F. D.; Jake Shirley, Simpson Morgan, Steele, Ala., R. F. D.; T. A. Guest, Keener, Ala.

This the 24th day of January, 1921.

THOMAS H. STEPHENS.

Attorney for Contestant.

I certify that I executed the above notice by serving a copy of same on L. B. Rainey, this the 24th day of January, 1921.

THOMAS H. STEPHENS.

Attorney for Contestant.

AGREEMENT OF PARTIES.

It is understood and agreed by and between C. B. Kennamer, contestant, and L. B. Rainey, contestee, that each party may, during this contest, make any and all objections to questions propounded to witnesses at the time of taking the deposition of the witness, and have the objection noted by the commissioner before whom the witness is being examined, without assigning any grounds for the objections. And at the time of submission of the contest for adjudication to the committee, each party may assign any ground or grounds for said objections that he may deem necessary, and make motions and assign grounds

for the excluding of the testimony elicited by such questions as are objected to, and thereby have the same benefit of the objections, motions, and grounds before the committee, as if said grounds, and motions had been assigned and noted at the time of taking the deposition of the witness to whom the objectionable questions are propounded.

Given under our hands this the 25th day of January, 1920.

THOMAS H. STEPHENS,
Attorney for Contestant.
L. B. RAINEY,
Contestee.

STATE OF ALABAMA,
County of Etowah, ss:

Examination of witnesses on behalf of contestant, C. B. Kennamer, in the contest of the election of a Congressman of the seventh congressional district of Alabama, before J. S. Franklin, a notary public in and for said State and county, and duly appointed by the said C. B. Kennamer as a commissioner to take depositions in his behalf, said election having been held in said district on the 2d day of November, 1920. Said examination was held in the courthouse of Etowah County, Ala., on the 17th day of January, 1921, at 9 o'clock a. m., Hon. L. B. Rainey, the contestee, being present in person and represented by the Hon. Alto V. Lee, attorney, of Gadsden, Ala. C. B. Kennamer, contestee, not being present, was represented by Hon. T. H. Stephens, attorney, of Gadsden, Ala., and Hon. C. R. Robinson, attorney, of Ashville, Ala.

Appeared before me, J. S. Franklin, a notary public and duly authorized commissioner, the witnesses whose names appear in and who signed the following depositions, and who being personally sworn by me to speak the truth, deposed and testified as follows:

Mrs. NELLIE WHITT, being examined, says:

Q. Where do you reside?—A. Alabama City.

Q. Were you present at the election at box No. 2, November 2, last?—A. Yes, sir.

Q. Were you appointed as a watcher by the Republican Party at that box?—A. Yes, sir.

Q. Did anyone refuse to let you stay in the polling place after you showed your commission?—A. Yes, sir.

Q. Who was it?—A. Mr. Bob King.

Q. Was he a Democratic manager?—A. Yes, sir.

Q. Did any one request you during the day to let you mark their ballot?—A. Yes, sir.

Q. Did Mr. King, one of the Democratic managers, refuse to let you mark the ballot?—A. Yes, sir.

Q. Who did mark the ballot?—A. Mr. King marked it.

Q. Did Mr. King mark the ballots of any voters who requested you to mark them during the day?—A. Yes.

Q. Did he let any one carry a ballot out of the voting place that day?—A. Yes.

Q. Who?—A. Mrs. Cantrell.

Q. Is Mrs. Cantrell a Democrat or a Republican?—A. A Democrat.

Q. Did you make any request of him to be allowed to carry out a ballot, too?—A. He told me I had no right to handle them.

Q. Do you know what became of that ballot that was carried out?—A. She carried it out of the voting place in front of the voting place and left it on the table, and I got it; this was in the drug store.

Q. The majority of the election officials at that box were Democrats, were they not?—A. Yes, sir.

Q. Were any election booths provided for the voters to go in to mark their ballots at that box?—A. No.

Cross-examination:

Q. How long have you lived at Alabama City?—A. Eight years.

Q. You are a Republican, are you not?—A. Yes.

Q. Were you sworn in as a watcher?—A. No, sir.

Q. What box was that?—A. No. 2.

Q. Who carried this box, Kennamer or Rainey?—A. I do not remember.

Q. Don't you remember Mr. Kennamer carried this box?—A. I don't remember.

Q. Did you mark any ballots?—A. I marked one.

Q. Whose ballot was it?—A. I believe it was Mrs. Coffield; I don't remember positively.

Q. You say Mr. King told you that you did not have any right to mark ballots?—A. Yes.

Q. Did he tell you that it was the law that watchers could not mark ballots?—

A. He said that they would not allow it; that it was not my place.

Q. He did not read section 353 of the Code of Alabama to you, then, did he?—A. No, sir.

Q. Did you stay at the polls all day?—A. I stayed till 6 o'clock in the evening.

Q. Did you have any other Republicans as watcher in there except yourself?—A. No.

Q. Did Mrs. Cantrell vote at that place, the one you mentioned?—A. No.

Q. You say Mrs. Cantrell got a ticket at No. 2?—A. Yes.

Q. Who gave her the ticket?—A. She got it herself.

Q. How did she get it?—A. She just picked it up from the table and told them she wanted it. I believe that Dr. Martin did push them over on the table where she could reach them.

Q. Then she carried the ballot over to another table in the same building, did she not?—A. Yes.

Q. And left it there and you picked it up?—A. Yes.

Q. Do you know whether some one told her that was the wrong box, that she would have to vote at No. 1?—A. No.

Q. Who was the Republican manager there, and the clerk?—A. Mr. Ab. Herndon was the Republican clerk, and Mr. Fowler was the Republican manager.

Q. Were they present when Mrs. Cantrell was there?—A. Yes.

Q. Did they make any objections to her picking up the ticket?—A. Mr. Herndon told her that they would not allow me to handle one.

Q. Did Mrs. Cantrell make any reply?—A. She said she just wanted it for a few minutes.

Q. What did you do with the ticket when you got a hold of it?—A. I showed some of the women how to double their tickets by that one, and carried it home with me.

Q. Was the ticket marked?—A. No, sir.

Q. Who appointed you as watcher?—A. Mr. Franklin.

Q. Do you mean Mr. J. S. Franklin, the commissioner?—A. Yes.

Q. Have you got that ticket with you?—A. No.

Redirect examination :

Q. Mr. King marked a number of ballots himself after refusing to let you mark any?—A. Yes.

Q. You had a written commission signed by Mr. Franklin as chairman of the Republican Party of Etowah County, did you not?—A. Yes.

Q. Did you show your commission to the managers and clerks?—A. I started to and Mr. King said, "I am confident you have one."

Q. Were you permitted to see the ballots deposited?—A. I was behind the railing and could see the ballots deposited.

Q. Was you permitted to see the ballots counted?—A. No, sir.

Q. Did you refuse to be sworn by the managers?—A. No, sir.

Recross-examination :

Q. Did you ask to be sworn?—A. I asked if we could not be sworn, and they said that it was all right. If anybody was sworn it was while I was not there, and I did not hear any talk of it.

Q. Who do you mean when you say "they"?—A. Mr. Fowler, Mr. Herndon, Mr. West, Mr. Martin, and Mr. King.

Q. Did you insist on the Republican managers swearing you?—A. No.

Q. Were you there in the polling place when the ballots were counted?—A. No.

Q. Did you ask the Republican manager that you be permitted to stay and watch?—A. No.

Q. Is it not a fact that you went home to cook supper as soon as the polls were closed?—A. No.

Q. What time did you go home?—A. Six o'clock.

Q. They had not begun to count the votes then, had they?—A. No.

Q. Was there a Democratic watcher there that day?—A. Mrs. Cantrell was supposed to be a watcher there, but she did not stay.

Q. Do you know of your own knowledge that she was appointed as a watcher for the Democrats?—A. No, sir; I don't know.

Q. How long did she stay at the polls?—A. I do not know how long she stayed at any one time, but she was there several times.

Q. How often was she in and out of the polling place during the day?—A. She was in and out several times.

Q. What was Mrs. Cantrell working for?—A. Red Cross.

Q. It is a fact that ladies were placed at the polling places to sell buttons for the Red Cross?—A. I do not know; she said she was.

Redirect examination:

Q. Did Mrs. Cantrell tell you that she was the Democratic watcher at that box? (Objections.)

A. Yes, sir.

Q. She was in and out at several times during the day at that box, was she not?—A. Yes.

Q. What did she say she wanted to do with that ticket she took out?

(Objections.)

A. She said she wanted to look at it a few minutes.

Q. The Democratic managers did not object to her taking the ticket out, did they?—A. No.

Q. But did object to your handling them at all?—A. Yes.

Recross-examination:

Q. Mrs. Cantrell was not the only woman in and out at the polling place during that day, was she?—A. No, sir.

Q. That was a drug store, was it not?—A. Yes.

Q. What do you mean by a "box"?—A. They had a little division between the box and the other part of the drug store.

Q. What was that division?—A. It was kind of a blind that went part of the way across, and left a gap.

Q. Was there a returning officer that stayed there?—A. Yes; Mr. Allison.

Mrs. NELLIE WHITT.

E. D. ABERNATHY, being examined, says:

Q. Were you present at the courthouse in Etowah County during the registration of women here in October, 1920?—A. Yes, sir.

Q. Did you see anyone carrying out blank registration certificates besides the registrars from the place where they were registering?—A. I saw them get them and put them in their pockets, but do not know whether they carried them out or not.

Q. Was it a man or a woman?—A. It was a woman.

Q. Did you know the lady?—A. I did not.

Q. In your judgment, about how many did she get?—A. One or two.

Cross-examination:

Q. Do you know whether this was a clerk assisting the registrars?—A. I could not tell whether she was or not? This was a lady who was hauling women to the registrars.

(Objection to answer because it is not responsive to question.)

Q. Did you see that lady leave the courthouse with those blanks?—A. No, sir.

Q. While you were here, you saw bus loaded with Republican women being hauled in to register?—A. I could not tell what their politics were.

Q. Could you tell what politics the women you spoke of as having the registration blanks was?—A. No.

E. D. ABERNATHY.

Mrs. EMMA RILEY, being examined, says:

Q. Where do you reside?—A. Alabama City.

Q. Was you present during the registration of voters during October at the courthouse in Etowah County?—A. Yes; part of the time.

Q. Did you see them register any voters who had not been residents of the State of Alabama for the preceeding two years?—A. I did.

Q. Who was it?—A. I do not remember her name.

Q. Where did she live?—A. She lived here in Gadsden.

Q. How do you know she had not been a resident of the State for the preceding two years?—A. She said she had been living in Mississippi for the preceding eighteen months.

(Objections.)

Q. Did she tell the registrars in your presence that she had been living in Mississippi for the preceding 18 months?—A. She did.

Q. After making that answer did they register her?—A. They did.

Cross-examination :

Q. Did you hear this lady say that she had been temporarily in Mississippi for 18 months, but was a resident of Alabama or anything of that sort?—A. She said that she was born in Alabama, but that she had moved to Mississippi and lived for 18 months, but had moved back to Alabama and had lived here for 7 months.

Q. What else did she say?—A. She says, "If I register, can I vote?" And they said she could.

Q. Did she say that she had been on a visit to Mississippi?—A. No, sir; she said she lived there.

Q. Did you know the registrars?—A. I did not know them personally, but I knew their faces; they were the ones who were out at Alabama City.

Q. Had you ever seen them prior to the time they were at Alabama City?—A. Yes, sir.

Q. Was the man you referred to as Uncle Bob one of the registrars?—A. He was.

Q. Describe him.—A. He would weigh about 210 pounds, and was bald-headed, red complexion; this is about all I can say. He was clean shaven.

Q. Did you hear the registrar ask the woman her name?—A. I did. It was something like McKenzie or McCally, I can't remember exactly.

Q. Did you see her sign any papers?—A. I did.

Q. Did she sign an application blank?—A. She signed a paper like she registered on, just like the rest of them did.

Q. You are familiar with the application blanks like you signed?—A. I am.

Q. The application blank she signed had in it that she had resided in the State for the preceding three years?—A. I do not know; I did not read it. It was similar to the one in appearance that I signed.

Q. It was printed form, was it not?—A. Yes.

Q. The blank that you signed had in it that you had been a resident of the State for the last preceding two years?

(Objection.)

A. It did.

Q. The lady you was speaking about swore to the application blank and signed it?—A. She did.

Q. Had you seen this lady prior to that time, or have you seen her since?—A. No, sir.

Q. Do you know her politics?—A. No, sir.

Q. Was her registration discussed by all the members of the board?—A. It was.

Q. About how long was it discussed?—A. Five or 10 minutes.

Q. Did different members of the board ask her questions?—A. No, sir; they discussed it among themselves.

Q. Were all members of the board present?—A. All those that were at Alabama City were there.

Q. You are a Republican, are you not?—A. I am.

Q. Have you talked to anyone about what you would testify to-day?—A. Yes, sir; I talked to Mr. Franklin.

Q. When was that?—A. It was the very day that they registered this woman.

Q. Have you talked to him since?—A. Not until to-day.

Q. That was before taking your testimony in the hall?—A. Yes, sir.

Q. On the occasion that you first talked to him, did you tell him this lady's name?—A. I did.

Redirect examination :

Q. Do you remember what the registrars said while discussing the registration of this woman?—A. The man that she applied to, when he started to take her registration, asked her if she had been in the State of Alabama for two years, she told him that she had not, that she had been in Mississippi for 18 months, but that she had been back here for 7 months, and that she did not know whether she could register or not; so she referred the matter to some

one they call Mr. Miller, whom I did not know, and he said he did not know whether she could or not. Then they referred to Uncle Bob and he said that he just counted that she had just been away on a visit, and then they registered her.

Recross-examination:

Q. Which one of the registrars registered her?—A. The one that she applied to.

Q. That was not Uncle Bob?—A. No, sir.

Q. Can you describe the registrar that registered her?—A. I can not, but he was clean shaven.

Q. You spoke of Mr. Miller; he did not register her, did he?—A. No, sir.

Q. Do you know whether this woman voted or not?—A. No, sir.

Mrs. EMMA RILEY.

Mrs. JULIA COLLINS, being examined, says:

Q. Did you make application for registration to the registrars while they were registering voters in October last?—A. Yes.

Q. Had you been a resident of Alabama for two years before that time?—A. Yes.

Q. Had you been a resident of Etowah County for one year before that time?—A. Yes.

Q. Had you been a resident of Altoona precinct for 90 days before that time?—A. Yes; for two years.

Q. Did they refuse to register you?—A. Yes, sir.

Q. Was your father or grandfather either a soldier in the Civil War?

(Objection.)

A. My grandfather was.

Q. You are a Republican, are you not?—A. Yes, sir.

Q. And would have voted the Republican ticket in November last, if you had been permitted to register?

(Objection.)

A. Yes, sir.

Cross-examination:

Q. Mrs. Collins, can you read and write any article of the Constitution of the United States in the English language?

(Objection.)

A. Not to do any good.

Q. The witness is presented with an article of the Constitution of the United States, and asked to read it—Article XV, section 1.—A. Section I, the right of the U. S. over shall not be defended or a-dri by the understanding by the any state on selection. C-o-n-g-r-e-s-s [spelled] shall have power to effect this article by [cant pronounce word]. [Cant pronounce other word.]

Q. Can you write an article of the Constitution?—A. No.

Q. Is your husband living?—A. Yes, sir.

Q. Does he own any land?—A. No, sir.

Q. Did he own any personal property that was assessed for taxes?—A. No.

Q. At the time that you applied for registration, did the registrars ask you if you could read and write?—A. Yes, sir.

Q. And you told them that you could not?—A. Yes, sir.

Redirect examination:

Q. You are a white woman, are you, Mrs. Collins, and your grandfather was a Confederate soldier?—A. Yes, sir.

Mrs. JULIA (her x mark) COLLINS.

Witness:

J. S. FRANKLIN.

Mrs. LAMAR SMITH, being examined, says:

Q. Where do you reside?—A. Attalla, Ala.

Q. Did you vote in the election on November the 2d, 1920?—A. I did.

Q. Did you vote the Democratic ticket?—A. I did.

Q. Was you in Attalla, Ala., on the day of the election?—A. I was not.

Q. Where were you?—A. I was in Orlando, Fla.

Q. How long had you been there?—A. Two months.

Q. When did you leave Alabama for Orlando, Fla.?—A. The 7th of September, 1920.

Q. Where and before whom did you register?—A. I registered at Orlando, Fla., at the courthouse, before Probate Judge Andrews. He witnessed our papers.

Q. Did he give you a certificate of registration?—A. No; he did not.

Q. How did you receive your registration certificate?—A. They came from here.

Q. By messenger or mail?—A. By mail.

Q. Was your certificate signed by the registrars of this county?—A. I don't know.

Q. You have a certificate signed by some one from this county, have you not?—A. I don't know.

Q. Were there any other ladies with you who received their certificate from here?—A. There was.

Q. Who were they?—A. Mrs. E. C. Cox and Mrs. Joe Rhea.

Q. Did you make application to the probate judge of this county for a blank ticket?—A. I did not, but Mr. Smith did; he wrote for all the tickets.

Q. That is, he wrote for you a ticket, and Mrs. Rhea a ticket, and Mrs. Cox a ticket?—A. He did. He also wrote for one for himself and Mr. Joe Rhea.

Q. Is Mrs. Rhea and Mrs. Cox Democrats?—A. They are.

Q. And voted a Democratic ticket?—A. Yes, sir.

Cross-examination:

Q. When you said that you registered in Orlando before the probate judge, you mean to say you signed an application blank from Alabama?—A. I did; I signed what they sent me.

Q. And after you had signed this application blank and returned it, then you received your registration certificate?—A. Yes; I think Mr. Smith has it now.

Q. About how many days between the time you signed the application blank and the time you received the certificate?—A. I don't remember.

Q. Was it several days after?—A. It was.

Q. Was the application blank returned here, and afterwards you received your registration certificate?—A. It was.

Q. How long have you resided here; also Mrs. Cox and Mrs. Rhea?—A. All my life; Mrs. Rhea and Mrs. Cox have also resided here all their life; we were only on a visit.

Q. Mrs. Cox and Mrs. Rhea made the same affidavit before the same officer at the same time in Orlando, did they not?—A. Yes, sir.

Mrs. LAMAR SMITH.

It is agreed by and between the parties to this contest that if Mrs. Joe Rhea and Mrs. Emma Cox, witnesses who were subpoenaed to testify to-day, but who are absent, if present would testify to substantially the same facts as those testified to by Mrs. Lamar Smith.

C. B. KENNAMER, *Contestant*.

L. B. RAINEY, *Contestee*.

COOPER McNARON, being called, testified as follows:

Q. Where do you reside and where did you vote in the election of November 2, 1920?—A. At Albertville, Marshall County, Ala.

Q. Just prior to the election were you absent from the State?—A. Yes.

Q. Were you at that time a qualified voter in Albertville precinct in Marshall County?

(Objection.)

A. Yes, sir.

Q. Did you make application to the probate judge of Marshall County for an absentee ballot?—A. Yes, sir.

Q. How did you send that application?—A. Registered mail; and sent stamps for a registered return—also a self-addressed envelope.

Q. Did you receive any ballot from the probate judge?—A. No.

Q. Is the probate judge of Marshall County acquainted with you?—A. Yes.

Q. Did he know that you were a Republican?—A. Yes.

Q. Were there anyone else from Marshall County with you when you made application for an absentee ballot?—A. Yes, sir.

Q. Who were they?—A. W. D. Morgan, George Albritten.

Q. What is their politics?—A. Democrats.

Q. Was you present when they made their application for their absentee ballots? If so, state all that happened.—A. Mr. Morgan got his about two days after I made application, and I—

(Objections.)

A. (Continuing). Asked when he had made his application: he told me that he had left dates of deliveries, we were delivering fruit trees, with Claud Scruggs, as he had asked him to do, so he could send him a ballot when they got them out. I asked him if they did not have to have a written application to get them, and he said he did not; I told him Mr. Bradford had told me that they did, which was the reason I had written for mine. Mr. Albritten had not got his, so he got Mr. Morgan to write a letter to the probate judge, J. H. Carter, for his ballot; then we all went on to the office together and he dropped the letter in the box as we went in the door. We had a box on the other side of the office. This was at Athens, Ga., and we went on around to the box after he had dropped the letter in, and he got his ballot out of the box when he got around. He tore it open there and saw what it was, and said to me: "You see, if you were voting for the right party you would not have to write for your ticket." Then he goes back around to the general delivery and called for the letter that he had dropped in and they gave it to him, and he tore it open and threw it in the waste basket.

Q. They were brother Democrats, I believe you stated?—A. Yes, sir.

Q. You spoke of their addressing a letter to J. H. Carter: wasn't it a fact that the letter was addressed to Gordon Gilbreath, probate judge?—A. Yes; it was Gordon Gilbreath. J. H. Carter used to be probate judge.

Q. Is it not a fact that the McNaron family in Marshall County are all known to be active Republicans?

(Objection.)

A. Yes, sir.

Q. You made this application five days before the election, did you not?—A. Yes; it was on the 20th or 21st of October; Mr. Bradford had told me to make it 10 days before the election.

Q. After the election, did you write Judge Gilbreath to return your stamped envelope?

(Objection.)

A. Yes.

Q. Did you receive it?—A. Yes; he registered it to me at Washington, Ga., with one extra, but not the ones I sent.

Q. Did he make any explanation as to why he had not sent you an absentee ballot?

(Objection; question withdrawn.)

Cross-examination:

Q. Did he make any explanation as to why he had not sent your absentee ballot?

(Objection.)

A. He said he had explained it to my brother Tom.

Q. Did he say that in the letter he wrote you?—A. Yes.

Q. Have you that letter?—A. No, not with me.

Q. Did he state in his letter what he had said to your brother in the way of an explanation?—A. He did not. He just said in substance, as I remember it, "Your insulting letter received, and I am sending stamps by registered mail, so you will be sure to get them."

(Move to exclude.)

Q. You say that is all he wrote you?—A. Something about like that; I do not remember it all.

Q. Then it is not a fact that he said in that letter that he had explained to your brother the reason why he had not sent the ballot?—A. I told you a while ago that he said that in the letter.

Q. Did you tell me that or did you tell Mr. Stephens?—A. I told one of you; I think it was you.

Q. Did he say anything else by way of explanation as to why he did not send the ballot, other than what he wrote, that he had explained it to your brother Tom?—A. He did not.

Q. Where do you live?—A. I have been on the road for the last 10 years.

Q. What is your business?—A. With the Wrought Iron Range Co. until October. Then I went with W. D. Morgan, in the fruit-tree business.

Q. Where does W. D. Morgan live?—A. Albertville, Ala.

Q. Did you leave any notice with Mr. Scruggs, or the probate judge, as to where you would be prior to election?

(Objection.)

A. I did not.

Q. Mr. Bradford, who advised you when to make application for absentee ballot, was a Democrat, was he not?—A. Yes, sir.

Q. How long did you remain in one place, in October, until election day, after you went into the fruit business?—A. In Athens; 10 days.

Q. Did you stay anywhere else in October, before the election?—A. I had my mail sent there all the time.

Q. Where were you at the time you mailed this letter asking for your ballot?—A. Madison, Ga.

Q. How long did you remain in Madison after you wrote the letter?—A. Two days.

Q. Do you know how long it would take a letter, in the usual channels of mail, to go from Madison, Ga., to Guntersville, Ala., and return?—A. About four days.

Q. Did your brother Tom ever explain to you why the judge of probate did not send the ticket?

(Objections.)

A. He told me that Gilbreath said he could not find my name on the list.

Q. Was that on the poll list or registration list?—A. Poll list.

Q. Do you know who makes up the poll list?

(Objection.)

A. I do not.

Q. Do you know to what county official the poll tax is paid?

(Objection.)

A. Tax collector.

Q. How old are you, Mr. McNaron?—A. Thirty-six.

Q. Have you paid your poll tax in person since you were 21 years old?—A. Yes.

Q. Have you paid them each year?—A. Not in person.

Q. Have you received poll-tax receipts each year since you were 21 years old?—A. My brother Tom has them.

Q. Have you seen the receipts for each year?—A. I have not.

Q. How many of the poll-tax receipts have you paid yourself?—A. I do not remember.

Q. Would you say as many as half?—A. Just about half, I guess.

Q. Did you pay the poll tax last February in person?—A. I did not.

Q. Do you know, for a fact, that your brother paid it?—A. I know that Mr. Gilbreath said that my name ought to be on the list; that he paid it.

Q. When did Judge Gilbreath tell you this?—A. He told Tom.

Q. You voted in the last election for Mr. Kennamer and the other Republican nominees?—A. Yes.

Redirect examination:

Q. Nobody objected to your voting at Albertville, did they?—A. No, sir. I told them that I wanted to vote a challenged vote; that I had come from Georgia and there must be something wrong about it, but no one challenged my vote.

Q. Mr. Bradford is a lawyer, is he not?—A. Yes, sir.

Q. Is Mr. Scruggs connected with the probate judge's office in any way?—A. He stays out at Albertville; he is in that branch court, but I do not know what he does.

Q. Did you instruct the probate judge to mail your ballot to Athens, Ga.?—A. Yes, sir.

Recross-examination:

Q. Did you keep a copy of the letter you wrote to the probate judge?—A. No.

Q. There are two courthouses in Marshall County, one at Albertsville and one at Guntersville, are they not?—A. Yes.

E. C. McNARON.

Miss JESSIE HOWARD, being called, testified:

Q. Where do you live?—A. Cox's beat.

Q. How long have you lived there?—A. All my life, except nine months; I moved there when I was nine months old.

Q. Are you over 21 years of age?—A. Yes, sir.

Q. Did you apply to the registrars of this county to register?—A. Yes, sir. I went to the city hall in Attalla.

Q. Were the registrars registering voters there that day?—A. Yes.

Q. Were they registering voters from Cox's beat?—A. Yes.

Q. Did they refuse to register you?—A. Yes.

Q. Are you a Republican or Democrat?—A. Republican.

Q. Was your father or grandfather a soldier in the Civil War?—A. Both my grandfathers were soldiers in the Confederate Army.

Q. Would you have voted the Republican ticket November 2, 1920, if you had been permitted to register?—A. Yes.

Cross-examination:

Q. Did you know the registrars?—A. Yes.

Q. What were their names?—A. Mr. Miller and Mr. Harris.

Q. Did you know the other one?—A. No.

Q. To whom did you apply to register?—A. I think it was Mr. Miller.

Q. You say you don't know Mr. Miller?—A. No, sir; I don't know him, but the lady that I was with said it was Mr. Miller.

Q. What lady were you with?—A. Mrs. Kelley, in Cox's beat.

Q. What reason did Mr. Miller give for not registering you?—A. Because I could not read and write?

Q. You told him you could not read and write?—A. Yes. He asked me and I told him.

Q. It is a fact that you can not read and write a section of the Federal Constitution in the English language?—A. No, sir; I can not read nor write.

Q. Do you own any real estate?—A. No, sir.

Q. Did you assess any property for taxes for 1920?—A. No, sir.

Q. Did you tell the registrars what your politics was?—A. No.

Redirect examination:

Q. Don't Mr. Harris and Mr. Miller both live in Cox's beat?—A. If they do I don't know it.

Recross-examination:

Q. Did you say you do not know Mr. Harris?—A. Yes.

Q. What was the name of your grandfathers who were in the Confederate Army?—A. Rich Gilbert and George Johnson.

Q. Where did they live at the time they joined the army?—A. I don't know.

Q. Do you know in what State either one lived?—A. I don't.

Q. Do you know what company they were members of?—A. No.

Q. All you know about them being in the Confederate Army is what some one has told you?—A. Yes; and my grandmother draws a pension.

Q. What is your grandmother's name?—A. Ellen Johnson, wife of George Johnson.

Q. In what county does she get her pension?—A. This county; from the probate judge.

JESSIE (her x mark) HOWARD.

Witness:

J. S. FRANKLIN.

R. A. ALVERSON, testified:

Q. Do you live in Brock's beat?—A. Yes.

Q. Were you at the election on November 2, 1920, at that beat?—A. Yes.

Q. Did your mother vote at that beat on that date?—A. She was there. I don't know whether she voted or not. I carried her there for that business. I suppose she voted.

Q. Is she a Democrat or Republican?—A. I suppose she is a Democrat.

Q. Where did she register?—A. She registered at home; I think she did.

Q. Who registered her?—A. J. M. Adams, a notary public.

Q. None of the registrars visited her home for the purpose of registering her did they?—A. I don't know. She does not live with me.

Q. Do you know of Mr. Adams registering any other women up there?—A. No.

Q. Is Mr. Adams a Democrat or Republican?—A. I don't know.

Q. You can read and write, can you not?—A. Some.

Q. Did you vote?—A. Yes.

Q. Did you vote the Democratic ticket?—A. Yes.

Q. Where did you register?—A. At Tabor, there in the beat, a long time ago.

Q. Did you sign the application blank when you registered?—A. I can't remember, but I think I did; it was just after I was 21.

Cross-examination:

Q. How old are you now?—A. Forty-five last August.

Q. You registered the first registration after the adoption of the constitution?—A. Yes; I reckon it was the first one. Everybody registered.

Q. How old is your mother?—A. She was 84 years old last May.

Q. Is she very feeble?—A. Yes; she is past going half the time.

Q. Don't you mean to say that your mother signed an application blank before Mr. Adams?—A. She either signed it or authorized it.

Q. And it was not a registration certificate she got?—A. No, sir; it was the application blank.

Q. Did she sign that blank at her home?—A. She either did or authorized it at her home.

Q. Do you know whether she requested Mr. Adams to come there or not and take her application?—A. I don't know. Mr. Adams was her nephew and was there frequently.

Q. You don't know whether she voted at all or not?—A. I do not know; I did not see her.

Redirect examination:

Q. How far did she live from the voting place?—A. About $1\frac{1}{2}$ or 2 miles.

Q. You took her to the voting place for the purpose of voting, did you not?—A. Yes.

Q. Is it not a fact that she told you after she came back from the voting place, that she had voted?

(Objection.)

A. I don't know that she did. I don't remember that we talked any about it.

Recross-examination:

Q. How far was it from where she lived to the courthouse at Gadsden?—A. Thirteen miles.

Q. Is it a rough road from her house.—A. To the public road, about 2 miles, it is.

Q. She lives on the mountain?—A. Right up at the top.

R. A. ALVERSON.

J. J. PULLEN testified:

Q. Do you live in Chandler's beat, Etowah County, Ala.?—A. Yes.

Q. Is Chandler's beat a strong Republican beat?—A. Yes.

Q. Did the rigistrars visit that beat during the time they were registering in October, 1920?—A. I don't think they did.

Q. Were you a manager at the election on November 2, 1920?—A. Yes.

Q. Were there enough ballots sent to that beat to accommodate all the voters who offered to vote?—A. No.

Q. About how many failed to get to vote if you know, on account of not having ballots enough?—A. I don't know, but several. We got 200 ballots.

Cross-examination.

Q. You were a Republican manager?—A. Yes.

Q. About how many votes were cast at elections prior to this in your beat? (Objection.)

A. I could not say, but about 125 or 130.

Q. How many did you vote on November 2?—A. I believe it was 208. I would not be positive.

Q. About what time of the day did the ballots give out?—A. I reckon it was about 3 o'clock.

Q. Did anyone go elsewhere for ballots?—A. They went to Aurora.

Q. Did they secure ballots?—A. Yes, about 8.

Q. Who sent them to Aurora?—A. Mr. Turner sent his son. He was a Democratic manager.

Q. Who else?—A. Later Oliver Tillery went back and got about 4 or 5 ballots.

Q. Was he a Democrat—A. No, he was a Republican.

Q. The short ballots, on which were the names of Senator Heflin and his opponent, gave out also, did they not?—A. Yes.

Q. Short Creek beat is the beat adjoining Chandler, is it not?—A. Yes.

Q. That is one of the largest Republican beats in the county, is it not?—A. I don't know, but the Republicans have a majority.

Q. The registrars visited Short Creek beat, did they not?—A. Yes; they registered at Mountainboro.

Q. All of the women folks in Chandler beat registered at Mountainboro, did they not?—A. Yes; all except those who came to Gadsden.

Q. Mountainboro is the nearest little town to your beat in this county, is it not?—A. Yes.

Q. Do you know Mr. Morton's family?—A. Yes.

Q. How many in his family of voting age?—A. Just one; his wife.

Q. Is she a Democrat?—A. Yes.

Q. Did she get to vote; and if not, on what account?—A. No. The ballots gave out.

Redirect examination:

Q. How many Republicans did not get to vote?—A. I don't know how many; some of both parties failed to get to vote.

Q. Is it not a fact that there were 10 Republicans and 2 Democrats who did not get to vote on account of the tickets giving out?—A. I know of one Republican and two Democrats who did not get to vote.

J. J. PULLEN.

T. W. ROSS testified:

Q. Do you live in Chandler's beat?—A. Yes.

Q. Did the registrars visit that beat?—A. No.

Q. Were the ballots short on the day of election?—A. Yes.

Q. In your judgment, how many failed to vote on account of the ballots being short?—A. I should think that there were somewhere about 10 or 12.

Q. Chandler's beat is a strong Republican beat?—A. Yes.

Cross-examination:

Q. The registrars visited Short Creek beat, did they not?—A. No, sir; they visited Mountainboro, in Carlisle beat, which joins Chandler.

Q. Carlisle is a strong Republican beat, is it not?—A. Yes; it is a Republican beat—about two to one.

Q. All the people in Chandler's beat desiring to register, either registered at Mountainboro or came to Gadsden, did they not?—A. Yes; I think they did.

T. W. Ross.

C. W. ADAMS testified:

Q. Were you present at the election on November 2, 1920, at Keysburg beat, Mr. Adams?—A. Yes.

Q. Were you a clerk?—A. Yes.

Q. Did Maggie Parker vote at that box?—A. Yes.

Q. Do you know how long she had been a citizen of Etowah County?—A. All her life.

Q. Did you see any one take any ballots out of the voting place that day?—A. Yes.

Q. Who was it?—A. Dr. Anderson.

Q. Is Dr. Anderson a Republican or a Democrat?—A. A Democrat.

Q. Did any one vote at that box who was not entitled to vote?

(Objection.)

A. Yes.

Q. Who?—A. Mrs. Parker.

Q. In what respect was she not entitled to vote?—A. She did not go before the board of registrars.

Q. Anyone else?—A. Don't remember.

Q. Did not some one from Blount County vote there?—A. Yes; Henry Quinn.

Q. How did Henry Quinn vote, Democratic or Republican?—A. Democratic.

Q. How did Maggie Parker vote?—A. She voted Democratic.

Cross-examination:

Q. Did you see Maggie Parker's ticket after it was filled out?—A. No; I did not.

Q. Did you see her mark her ticket?—A. I did not.

Q. Did you stay with the board of registrars when they were in Keysburg and when they were in Gadsden?—A. No, sir.

Q. How do you know, then, that she did not register?—A. Because her mother said she brought her certificate back to her.

Q. You don't know, then, whether she was a registered voter or not, only from what some one told you?—A. That's all I know.

Q. Do you swear before this commissioner that she did not go before the board of registrars?—A. I did not see her.

Q. So, then, of your own knowledge, you don't know whether she registered or not?—A. I do not.

Q. You say Henry Quinn was not entitled to vote?—A. I don't know, his name did not appear on the poll list; he was from Blount County.

Q. How long has he lived in Blount County?—A. I don't know?

Q. How long has he been living in Keysburg beat?—A. A good number of years, I suppose.

Q. How old is he?—A. Looks like about 60 or a little over.

Q. There was a Republican manager at the Keysburg beat, was there not?—A. Yes; Mr. Fry.

Q. You knew these facts that you have testified about at the time they voted?—A. I did not; his name did not appear on the poll list.

Q. When was the first time that you heard that Mrs. Parker had not registered?—A. Before the election.

Q. Did you challenge her vote, or did Mr. Fry challenge her vote?—A. No, sir.

Q. Did you ask her if she had registered?—A. I did not.

Q. Did you say anything about her not being a qualified voter at the time she voted?—A. No.

Q. Was her name on the list of voters furnished you?—A. I did not look.

Q. You looked for Mr. Quinn, did you not?—A. I did when they asked him.

Q. Who asked him?—A. I think Mr. Ables did. He was one of the managers.

Q. What did he ask him?—A. The best recollections I have is Mr. Ables asked Mr. Quinn if he claimed Keysburg beat as home, that his name was not on the list. Mr. Quinn said he did.

Q. Was there any objection made to his voting by anyone?—A. Yes; I did.

Q. Did you challenge his vote?—A. I told them to, and they said he had been raised there principally.

Q. Did any of the managers challenge his vote?—A. I could not say.

Q. Had Mr. Quinn resided in Keysburg beat before he went to Blount?—A. No, sir; he resided in Calhoun.

Q. How long did he stay in Calhoun?—A. I could not say; the place he sold, joining me—I moved there about four years ago this past year; he has not lived there during that four years.

Q. Where has he lived during these four years?—A. At his daughter's, at Anniston, Ala.

Q. Do you know where he claimed his place of residence?—A. I do not.

Q. Do you know whether he has voted at Keysburg during other elections during those four years?—A. I don't think he has.

Q. Where does he live now?—A. I think he is at Anniston, Calhoun County, Ala.

Q. Do you know whether he ever voted in Calhoun County or not?—A. No.

Q. Do you know whether he ever voted in Blount County or not?—A. No.

Q. Did you see him mark his ticket?—A. No; he did not mark his ticket.

Q. Did some one mark it for him?—A. Yes.

Q. Did you see how it was marked?—A. No.

Q. Did you see his ticket when it was voted, as to who he voted for?—A. Could not positively swear to it, but mighty near it.

Q. Was his ticket folded?—A. I suppose it was.

Q. Did you see it after it was voted?—A. I did not.

Q. The only way you know how he voted is what somebody told you?—A. Yes.

Q. Dr. Anderson is the physician out there, is he not?—A. Yes.

Q. How many tickets did Dr. Anderson carry off?—A. One.

Q. He voted in that box, did he not?—A. Yes.

Q. Did anyone object to his having a ticket?—A. Nobody did not know it until he had gotten out at the door.

Q. Did anyone request him to bring the ticket back?—A. Yes; Mr. Armstrong, the returning officer, told him he objected to him taking it out; that he did not think it was law. I do not know whether he returned it then or not, but I do not think he did.

Q. Did he afterwards return it?—A. No.

Q. Who returned it?—A. I could not say; but, if it was returned, his wife brought it back.

Q. His wife was sick, was she not?—A. Yes; a week or so.

Q. She afterwards was assisted to the polls by two ladies and voted, did she not?—A. Yes.

Q. Did Dr. Anderson ask to take the ticket out to show it to his wife?—A. I never heard him, but some of them said he did.

Q. Mr. Armstrong, the returning officer, is a Democrat, is he not?—A. No, sir.

Q. What was his political faith?—A. He was a Republican.

Redirect examination:

Q. Who marked Henry Quinn's ticket?—A. Mr. Jeffers.

Q. Is Mr. Jeffers a Republican or a Democrat?—A. Democrat.

Cross-examination:

Q. He was a manager, was he not?—A. Yes.

C. W. ADAMS.

JANUARY 18, 1921.

Mrs. LEE JOHNSON, being examined, testified:

Q. Where do you live?—A. I lived in Reece beat, Etowah County, Ala.

Q. Did you go before the registrars and register?—A. I certainly did.

Q. You are a Republican, are you not?—A. Certainly I am.

Q. Some time after you had registered and after the registrars had found out that you were a Republican, did you receive a letter signed by one or more of the registrars, in which they stated that they would have you arrested and prosecuted if you voted in the election?—A. They certainly did.

Q. Whose name was signed to that letter?—A. Mr. Preacher Harris and another man whom I did not know, had signed the letter. Mr. Harris was one of the registrars.

Q. What did you do with that letter?—A. I had the letter read, and I stamped it and put it in the mails and mailed it to Judge Herzberg.

Q. Did you vote in the election?—A. No, sir.

Q. Would you have voted if you had not received the letter?—A. Yes.

Q. Would you have voted for Mr. Kennamer, the Republican nominee for Congress?—A. Yes.

Cross-examination:

Q. Can you read or write an article of the Constitution of the United States in English?—A. No.

Q. Did you or your husband own any real estate?—No.

Q. Did you or your husband assess for taxes on or before January 1, 1920, any personal property?

(Objection.)

A. I don't know whether my husband did or not. I did not.

Q. Don't you know that prior to the time that you registered in October, 1920, neither you nor your husband had assessed any personal property for taxes?

(Objection.)

A. I don't know whether he did or not.

Q. Did you?—A. No.

Q. After you had returned your registration certificate did you not come to Gadsden and go to the assessor's books and inquire of the assessor if you or your husband had assessed any personal property for the year 1920?—A. No.

Q. Did you send anybody here to find out whether or not you had made such an assessment, either by you or your husband?—A. No.

Q. Did anybody come with your knowledge?—A. No.

Q. Have you had the assessor's book examined since you registered?—A. No.

Q. Did your husband have the book examined.—A. Not that I know of.

Q. Did you make an assessment after you had surrendered your certificate? (Objection.)

A. No.

Q. Did your husband make an assessment after you surrendered your certificate?—A. No.

Q. Did you or your husband own any personal property on October 1, 1919?—A. Yes.

Q. How much personal property did you own; that is, the value of it?—A. About \$300.

Q. Of what did this personal property consist?—A. One horse and buggy, cow, yearling, and household goods, and hog.

Q. The registrars asked you if you had assessed this property at the time you registered, did they not?—A. No; they never asked me a question.

Q. Which one of the registrars registered you?—A. I could not tell you his name.

Q. Who wrote the letter to you?—A. I could not tell you, but I suppose Mr. Harris sent it to me?

Q. Did you not swear on your direct examination that Preacher Harris and another man whom I did not know signed the letter?—A. I said that the letter came to me with Preacher Harris's name and another man, and said if I did not return it and return it at once that they would arrest me on it.

(Objection to the latter part of the answer.)

Q. Where is that letter?—A. It is supposed to be in Judge Herzberg's office.

Q. Did you return the letter with the registration certificate?—A. I sent everything back, just like they required me to do.

Q. How did you know that the registrars had found out that you were a Republican?—A. I guess they ought to have known; my husband had always been one.

Q. Did you not testify on your direct examination that after you had registered and after the registrars had found out that you were a Republican you received this letter?—A. Yes, sir; I received it.

Q. When did the registrars find out that you were a Republican—after you had registered?—A. I don't know when they found it out; it was about two days after that I got the letter.

Q. Do you now swear that they found out that you were a Republican after you registered?—A. Of course they found out, so far as I know.

Q. How do you know they found out that you were a Republican?—A. Because they knew I was going to vote a Republican ticket.

Q. Did you ever tell the registrars that you were going to vote a Republican ticket?—A. Sure; I told that woman that I was going to vote the Republican ticket.

Q. Was there a woman registrar?—A. No, sir; they were all men.

Q. Did you tell either one of the three registrars that you were going to vote a Republican ticket?—A. I never told any of the men.

Q. Who did you send the registration certificate back by?—A. In the United States mail.

Q. Did you write the letter?—A. No.

Q. Who wrote it?—A. Dr. Gilliland.

Q. What politics is Dr. Gilliland?—A. He is a Republican.

Q. Did you ask him about sending it back, or did he advise you to send it back?—A. No, sir; he told me to suit myself about it.

Q. Where did you register?—A. At Attalla, in the city hall.

Q. Did Dr. Gilliland go down there with you?—A. I went in his car.

Q. He carried you down there in his car?—A. Yes, me and his wife, and his daughter.

Q. Do you remember the lady's name that you told that you were a Republican?—A. Yes. Mrs. Gilliland, but not Mrs. Dr. Gilliland.

Q. Was she any relation to Dr. Gilliland?—A. Yes, far-off relation.

Q. Was she a clerk to the registrars?—A. If she was I did not know it.

Q. Did the registrars swear you when you signed your application blank?—A. No, sir; they did not.

Q. Did they swear you before they issued you your registration certificate?—A. No, sir; they did not; there were none of us sworn.

Q. Did any one read to you the application blank that you signed?—A. Yes, sir.

Q. Who read it to you?—A. One of the registrars.

Q. Was there not an oath printed in that application blank?—A. I don't know; but I was not sworn at all.

Q. Was there not an oath read to you when the application blank was read to you?—A. If there was, I have forgotten it and don't remember.

Q. Who signed your name to the registration blank?—A. Miss Arbanio Gilliland.

Q. Is that Dr. Gilliland's wife?—A. Yes; I lived right there in her yard.

Q. Did you go before the registrars after you surrendered your certificate?—A. No.

Q. They were in session for a week in Gadsden after you registered in Attalla, were they not?—A. I don't know.

Redirect examination:

Q. At the time you registered in Attalla, you or your husband did own \$300 worth of personal property, did you not?

(Objection.)

A. Yes, sir.

Q. Do you know of anybody else who received a letter similar to yours?

(Objection.)

A. My sister got one, but she went on and voted. She had more property than I.

Q. Is your sister's name Mrs. Nellie Johnson, whose post-office address is Attalla, R. F. D. No. 1?—A. Yes.

Q. Is this the letter that Nellie Johnson, your sister, received?

(Objection.)

Then counsel read letter to the witness and talked to her?

A. Yes, sir.

Q. Counsel then read the letter into the record, as follows:

(Objection.)

"L. L. HERGBERG, Judge of Probate Court, Etowah County, Gadsden, Ala.

" OCTOBER 23, 1920.

" Mrs. NELLIE JOHNSON,

"Attalla, R. No. 1.

" DEAR MADAM: At the time you registered as a voter you stated to the registrar or registrars that you had \$300 worth of personal property on which said amount you paid taxes annually, when in fact you paid no taxes, you or your husband, as shown by tax books of this county.

" Now, to save you trouble I advise that you return your registration certificate at once, or the matter will be placed in the hands of the solicitor for sixteenth judicial circuit of Alabama for investigation on the grave charge of perjury.

" Respectfully,

" L. N. HARRIS.

" S. J. MILLER,

" D. N. JELKS.

" Registrars."

Recross-examination:

Q. What did your sister do with her letter?—A. Mr. Willie Gilliland got it; that one there is just like it. That is the letter.

Q. Do you know whether this is the letter or not?—A. That's it.

Q. Have you seen the letter since it was turned over to Mr. Willie Gilliland?—A. I see it right there.

Q. Did you know that this was the letter that your sister received until Mr. Stephens, the attorney for contestant, told you that this was the letter?—A. As soon as I heard it, I knew that it was the letter.

Q. Had you seen the letter from the time that your sister turned it over to Mr. Gilliland until Mr. Stephens produced it to-day?—A. Yes; Mr. Willie Gilliland showed it to me the other day.

Q. Do you know what Mr. Gilliland did with it, of your own knowledge?—A. Not unless he sent it over here. I do not know whether he sent it over here or not.

Q. You stated that you could not read or write?—A. I certainly d'd.

Q. By what marks on this letter do you identify it as the one sent to your sister?—A. I told you that I could not read nor write.

Q. Attorney for contestee read to witness printed form of blank of examination of applicants for registration, which is in words and figures as follows:

"Examination of applicants, State of Alabama, County of —, precinct No. —, district No. —, in the matter of —; applicant for registration in said State, county, precinct, or ward.

"Said —, having first taken and subscribed the oath hereinbelow annexed, testified as follows:

"I — solemnly swear (or affirm) that in the matter of the application of myself for registration as elector, I will speak the truth, the whole truth, and nothing but the truth, so help me God. —

"Subscribed and sworn (or affirmed) before me on the — day of —, 19 —."

"Whose testimony is taken in the matter of the application of — for registration, after having taken and subscribed the oath hereinbelow annexed, testified as follows:

"I solemnly swear (or affirm) that in the matter of the application of — for registration as an elector I will speak the truth, the whole truth, and nothing but the truth, so help me God. —

"Subscribed and sworn (or affirmed) before me on the — day of —, 19 —."

I will ask you if you did not sign the paper just read, with the blanks filled in, before you were registered?—A. I never signed anything; when they presented that paper, I could not write, and they signed my name for me.

Q. Was a paper like this read over to you at all?—A. No.

Q. Did Mr. Gilliland sign a paper like that [indicating the paper read] when you registered?—A. I could not tell you.

Q. How is it that you can not identify the paper which has been read to the commissioner, and can identify the letter that was sent to your sister?

(Objection.)

A. In my judgment it might be.

Q. Can your sister, Miss Nellie Johnson, read or write?—A. No, sir.

Q. She voted in the November election for Mr. Kennamer, did she not?—A. I could not tell you who she voted for, but she said she voted the Democratic ticket.

Q. She is a Democrat, is she not?—A. I could not tell you what she is.

Q. D'd she ever tell you she was a Democrat?—A. No, sir.

Q. It was generally known that she was a Democrat, was it not?—A. I don't know.

Q. So you don't know what her political faith was?—A. I have told you all I know about it.

Mrs. LEE (her x mark) JOHNSON.

Witness:

J. S. FRANKLIN.

LUTE SILVEY, being examined, testified:

Q. What beat in Etowah County, Ala., do you live in?—A. Gilberts.

Q. Were you present at the election on November 2, 1920?—A. Yes.

Q. In what capacity?—A. Returning officer.

Q. Did Bertie Stone vote at that precinct that day?—A. Yes.

Q. How long had she resided in Etowah County at that time?—A. I don't know.

Q. How long had she been in that precinct at that time?—A. The first time I heard of it was the second Sunday in September, just before the election.

Q. Is it not a fact that it is a matter of common knowledge that she came from Jefferson County, just about the second Sunday in September?

(Objection.)

A. I don't know where she came from.

Q. What was her occupation?—A. School-teacher.

Q. She had not resided in that beat prior to the second Sunday in September, had she?—A. Not that I know of.

Q. You know everybody in that beat, do you not?—A. I could not say that I do.

Q. Will you say that she had resided in that beat for 90 days prior to that election?—A. I never heard of her until the time I told you about.

Q. Did anybody vote at the election that day who was not present at the polling place?—A. Mr. Morgan carried a ballot out for Uncle John Jones, a blind man.

Q. Did he carry it to Uncle John Jones's home, or was Uncle John out there somewhere?—A. Uncle John was not out there; I could not tell you whether he carried it to his home or not. I did not follow him.

Q. Did he bring the ballot back and deposit it in the ballot box?—A. He brought one back; I could not say whether it was the same one or not.

Q. Is Uncle John Jones a Democrat or Republican?—A. Democrat.

Q. Who was Mr. Morgan?—A. A manager.

Q. Is Mr. Morgan a Democrat or Republican?—A. A Democrat.

Q. How far did Mr. Jones live from the polling place?—A. Near three-fourths of a mile.

Q. It is a fact that Uncle John was sick and in bed at that time, was it not?—A. Part of the time he was in the bed and part of the time he was sitting up.

Q. He was not able to travel around any, was he not?—A. He could not travel without help.

Cross-examination:

Q. Were there a Republican manager and clerk at that box?—A. I suppose so, Mr. P. H. Gilbert and Mr. Dismukes.

Q. Was the vote that was cast by Mr. Morgan for Mr. Jones challenged?—A. Not that I know of.

Q. You were the returning officer?—A. Yes; I stayed at the front door.

Q. You are a Republican, are you not?—A. I vote a mixed ticket.

Q. Do you know whether or not Miss Stone's vote was challenged?—A. I don't know.

LUTE (his x mark) SILVEY.

Witness:

J. S. FRANKLIN.

P. H. GILBERT, being examined, says:

Q. You reside in Gilbert's beat, Etowah County, Ala.?—A. Yes; at the time of the election, November 2, 1920.

Q. Were you a clerk at the election of November 2, 1920, in your beat?—A. Yes.

Q. Did Miss Bertie Stone vote at that election?—A. Yes.

Q. How long had she been a resident of that beat?—A. Only a short while; about three weeks, to the best of my judgment.

Q. When she came there did you meet her at the depot here?—A. No.

Q. Did you bring her trunk from the depot?—A. Yes.

Q. Where was her trunk checked from?—A. Cedar Bluff, I believe.

Q. In what county is Cedar Bluff?—A. Cherokee County, I think.

Q. Was her name on the list of voters furnished by the probate for that beat?—A. It was.

Q. Do you know in what county her home is?—A. No.

Q. Where is she now?—A. She is teaching school at J. S. Jones High School.

Q. Did Uncle John Jones vote there that day?—A. He did not vote himself, for he was not there.

Q. Did some one vote for him?—A. Mr. Morgan carried a ticket off and brought one back and put it in the box; he said it was for Mr. Jones.

Q. Was Mr. Morgan one of the Democratic managers?—A. Yes.

Q. Is Mr. Jones a Democrat?—A. Yes; he always claimed to be.

Q. In your judgment, how far does Mr. Jones live from the polling place?—A. About three-fourths of a mile, or near that.

Q. Did Gilbert's box go Republican or Democratic?—A. Democrats got the majority.

Cross-examination:

Q. You are a Republican, are you not?—A. I voted a Republican ticket in that election.

Q. Who was the Republican manager?—A. Mr. Dismukes.

Q. Your brother was also a manager, was he not?—A. Yes.

Q. The J. S. Jones High School was named after Uncle John Jones, the man about whom you have testified?

(Objections.)

A. I think so; I am not certain.

Q. Is it your understanding that this high school was named after Uncle John Jones?—A. Yes.

Q. Did he not give the land and \$1,000 to the building of that high school? (Objection.)

A. I could not say, but that has been my understanding.

Q. He is one of the most prominent citizens in your beat, is he not? (Objections.)

A. I could not say that he is one of the most, but he is a good citizen.

Q. His vote was not challenged, was it?—A. No, sir.

Q. Do you know when Miss Stone was employed to teach in the public school in your beat, or about when it was?—A. No.

P. H. GILBERT.

It is agreed by and between the parties to this contest that if Mr. J. W. Diskmukes were examined he would testify to substantially the same facts as those testified to by Mr. Lute Silvey and Mr. P. H. Gilbert.

THOS. H. STEPHENS.

Attorney for contestant.

ALTO V. LEE.

Attorney for contestee.

CHARLEY MOONEY, being examined, says:

Q. Did you vote in the election of November 2, 1920?—A. Yes.

Q. Did you vote the Democratic ticket or the Republican ticket?—A. Democratic.

Q. When did you register?—A. In October, 1920, when the women were registering.

Q. How long had you been a resident of that beat?—A. I have lived there about 11 years, except what time I was in the Army.

Q. When did you get back from the Army?—A. I received my discharge on the 28th day of January, 1919.

Q. Were you at home in October, November, and December of 1919?—A. Yes.

Q. Were you at home January, February, and March, 1920?—A. Yes.

Q. And for every month during the year 1920 up until the time you voted?—A. Yes.

Q. When did you become 21 years of age?—A. I was 24 years of age the 6th day of last October.

Cross-examination:

Q. What beat do you live in?—A. Whorton's Bend.

Q. Did the registrars ever visit that beat while you were there, since you became 21 years of age?—A. Not that I know of.

Redirect examination:

Q. Whorton's Bend beat is in Etowah County, Ala., is it not?—A. Yes.

Q. How close do you live to the courthouse?—A. About 6 miles.

Q. You come to Gadsden quite often, don't you?—A. Yes; very often.

Q. You were in Gadsden quite a number of times during January last year, were you not?—A. I was here three or four times, I guess.

Q. It is a fact that the registrar was sitting at the courthouse in Gadsden during the entire month of January, 1920, for the purpose of registering voters, was he not?—A. I don't know; I did not come over here to see.

Q. You never made application to register prior to the time you did register?—A. No.

Recross-examination:

Q. Did you ever know of any other registration in this county since you became 21 other than the registration at which you registered?—A. I don't believe I did.

Q. You signed a regular registration blank at the time you registered?—A. Yes.

Redirect examination:

Q. Do you read the Gadsden papers, either one of them or both?—A. I do not; I don't take them.

Q. How did you find out about this last registration?—A. Some one down there told me.

CHARLEY MOONEY.

J. B. SHEFFIELD testified as follows:

Q. Where do you live?—A. Phillips's beat, Etowah County, Ala.

Q. Were you present at the election at that beat in the November election, 1920?—A. I was.

Q. Were you a manager or clerk?—A. I was manager.

Q. Did Mrs. Nora Bean vote at that box at that election?—A. My best recollection is that she did.

Q. Was her name on the certified list from the probate judge's office of qualified voters?—A. My recollection is that it was.

Q. Did she vote the Democratic ticket or the Republican ticket?—A. Democratic.

Q. How long had she been in this county before the election?—A. Something like five or six months.

Q. Where did she live before she came to Etowah County?—A. Kentucky.

Q. About how long had she resided in the State of Kentucky, if you know?—A. Something like five or six years.

Cross-examination:

Q. Where did she reside prior to the time she went to Kentucky?—A. In Phillips's beat, Etowah County, Ala.

Q. Was she born and reared in that beat?—A. To my best recollection, she was.

Q. Had her family lived there?—A. Her father and mother did.

Q. How long have they lived there?—A. As long as I can recollect.

Q. Do you know whether she claimed Etowah County, Ala., as her residence during the time that she was in Kentucky?—A. No.

Q. Did her father and mother live in Kentucky at the time she was there?—A. No.

Q. Where did they live?—A. In Phillips's beat, Etowah County, Ala.

Q. Do you know Charley Phillips?—A. Yes.

Q. Is it your best judgment that he voted the Republican ticket?—A. Yes.

Q. Did he vote in that election?—A. Yes.

Q. Was his name on the list of names furnished by the probate judge?—A. I could not say.

Q. Do you know whether or not he was a qualified voter in Phillips's beat?—A. I suppose he was. I don't know.

Q. Did you see Mrs. Bean's ticket at the time she voted?—A. Yes.

Q. Did you see how she voted?—A. I would not say I did.

Q. Then you don't know of your own knowledge how she voted?—A. I would not say positive how she voted.

Redirect examination:

Q. You don't know whether Charley Phillips voted for Charley Kennamer or for Rainey, do you?—A. No.

Q. Is Mrs. Nora Bean a married woman?—A. Yes.

Q. Did she and her husband reside in the State of Kentucky together?—A. Yes.

Recross-examination:

Q. Did Mr. Bean live in Phillips's beat before he went to Kentucky?—A. Yes.

Q. Did his father and mother live there?—A. Yes.

Q. Did he live there prior to the election?—A. He lived among his kinfolks, visiting.

Q. Do you know whether he had ever changed his residence from Phillips's beat, Etowah County, Ala., or not?—A. No, sir.

J. B. SHEFFIELD.

W. Y. HOPKINS, being examined, says:

Q. Where do you reside?—A. South Eleventh Street, Gadsden, Ala.

Q. Were you present at the election on November 2, 1920, at that box, call No. 4?—A. Yes.

Q. Were you a manager or clerk out there?—A. I was watcher.

Q. Do you know about how many votes polled at that box?—A. I think it was close to 500.

Q. Were there any booths at the voting place where voters could go and mark their ballots secretly?—A. No.

Q. Was the voting place crowded during the day with people?—A. A good deal of the time.

Q. In your judgment, about how many would be in the voting place at one time?—A. I suppose 15 or 20.

Q. Did you see or hear any one electioneering, or asking voters to let them mark their ballots?—A. I don't think I did.

Q. Was any ballots carried out of the voting place and voted in the street?—A. Mr. Green took one ballot out on a little porch.

Q. What did he do with it?—A. Lady was wheeled up close to the walk and asked for a ballot.

Q. Did she vote the ballot Mr. Green carried out there?—A. Yes.

Q. Did Mr. Green take the ballot back in the house and deposit it?—A. Yes.

Q. Do you know who the lady was?—A. Mrs. McDurmit.

Q. Do you know whether she was a Democrat or Republican?—A. No.

Q. What was Mr. Green's politics?—A. Democrat, I suppose.

Q. Did you see him open any ballots and look at them before they were deposited in the box?—A. Yes.

Q. In your judgment, about how many did you see him look at?—A. I could not say; there were several of them.

Q. Which one carried the box there, Kennamer or Rainey?—A. Rainey.

Q. By a large majority?—A. Yes.

Q. Do you know what his majority at that box was?—A. There were close to 500 votes cast, and Kennamer got 50.

Q. Is box 4 one of the voting places in the city of Gadsden?—A. Yes.

Q. Do you know approximately what the population of the city of Gadsden is?—A. About 15,000.

Q. How many voting places were there all told in the city of Gadsden?—A. Four.

Cross-examination :

Q. You are a Republican, are you not?—A. Yes.

Q. You were there as a watcher for the Republicans?—A. Yes.

Q. In the early part of the morning, were there any crowd at the polling place?—A. No. Was not crowded in the morning.

Q. About what time of the day was it that you noticed more people there?—A. It must have been between 2 and 3 o'clock or 2 and 4; along there.

Q. The voting place was in T. A. Neely's store, was it not?—A. Yes.

Q. In the rear of the store?—A. Yes.

Q. People were in and out of the store during the day trading, were they not?—A. Yes.

Q. Was there a side door of the store at the place of voting?—A. Yes; two side doors.

Q. Was there a little portico at one of these side doors?—A. Yes.

Q. How near were the election officers sitting to that door?—A. I suppose some of them sat about 6 feet from it.

Q. Was that door kept open?—A. Yes.

Q. About how wide was the little portico?—A. About 4 feet.

Q. Was the portico along beside the public street?—A. Yes.

Q. Did the lady you mention drive up to that portico?—A. She was wheeled there in a wheel chair.

Q. Was the lady sick or an invalid?—A. She had been sick.

Q. Was she in view of the election officers when she was wheeled up there; could she see them?—A. Yes; some of them.

Q. Did she ask for a ballot?—A. I don't know.

Q. Did you hear any one ask for a ballot for her?—A. Mr. Green got up and said that there is a lady out there that wanted to vote, and said "How about it?" I never heard any one respond; he just rushed right out with a ballot.

Q. Did any one raise any objections?—A. No.

Q. The ballots that you say Mr. Green looked at, were those ballots open or folded?—A. They were pretty well folded.

Q. Did the ballots have a number on each one?—A. I could not tell.

Q. Do you know whether there was a little slip on the end of the ballots which was torn off before the ballots were put in the box?—A. I did not notice any.

Q. Did Mr. Green refold the ballots and put them in the ballot box?—A. Yes.

Q. Do you know whether the parties who voted those ballots he looked at were Republicans or Democrats?—A. No.

Q. In your judgment, about how many ballots did Mr. Green look at?—A. I could not tell, there were several of them, as near as I can get at it there must have been some 40 or 50.

Q. Who carried the other three boxes in Gadsden, Rainey or Kennamer?—A. Rainey.

Q. Did the Republicans have a manager at this box you speak of?—A. Yes.

Q. Did anybody make any objections to Green looking at the ballots?—A. No.

Q. Did any other of the election officers look at ballots that day?—A. I saw Mr. Garner either looking at them or refolding them, I could not tell which.

Redirect examination:

Q. Was Mr. Garner a Democrat or Republican?—A. Democrat.

Recross-examination:

Q. What was Mr. Garner a clerk or a manager?—A. One of the managers.

W. Y. HOPKINS.

It is agreed by and between the parties to this contest that Mr. W. L. Powell, manager at box 4, Gadsden, Ala., one of the witnesses subpoenaed, would testify to the same state of facts, substantially, as Mr. Hopkins testified to.

THOS. H. STEPHENS,
Attorney for Contestant.
L. B. RAINEY,
Contestee.

JANUARY 19, 1921.

Judge EDW. PICKARD, being examined, testified:

Q. Do you reside in Gadsden?—A. Yes.

Q. How long?—A. About 25 years or more.

Q. Are you acquainted with the registrars of Etowah County, who registered the voters last October?—A. Yes; I know them all.

Q. Are they all Democrats?—A. Yes; that is my information.

Q. Do you know the probate judge, sheriff, and clerk of this county?

Q. What is their politics?—A. Democrats.

Q. Were you present at either of the boxes in Gadsden at the election on November 2, 1920?—A. Yes.

Q. At what box and in what capacity?—A. Box No. 1, as a clerk.

Q. Were there any booths prepared at that box for the voters to mark their ballots?—A. No.

Q. Is Gadsden an incorporated city?—A. Yes.

Q. Has it got more than 3,000 inhabitants?—A. The last census, I believe, gave us something more than 16,000.

Q. Do you know how many voting places there were in the city of Gadsden?—A. Four.

Q. Do you know how many votes were polled in the combined votes at the four voting places?—A. Three thousand one hundred and eighty. This is the information that was given out by the newspapers.

Q. How many of these votes did L. B. Rainey receive?—A. Two thousand seven hundred and forty-three.

Q. How many votes did C. B. Kennamer receive?—A. Four hundred and thirty-seven.

Q. Did you see anyone in box No. 1 electioneering with voters and marking ballots or assisting them in marking ballots?—A. Yes, sir.

Q. Do you remember the names of any of those parties?—A. Yes. Mrs. James Tolson; and Mr. Bellenger was sitting at the table with one or two people sitting there; I did not hear what he said; and he would get one ticket at a time.

Q. Were either of those parties an officer of the election?—A. No.

Q. Did either one show any commission as a watcher of any party?—A. Not to me; and I never saw them show any commission to anyone else.

Q. Were you there when the polls opened?—A. Yes.

Q. Were you there when they came in to the voting place?—A. Yes.

Q. What is Mrs. Tolson's politics?—A. Democrat.

Q. What is Mr. Bellenger's politics?—A. My information is that he is a Democrat.

Cross-examination:

Q. You are alderman in the city of Gadsden, are you not?—A. Yes; first ward.

Q. How long have you been alderman?—A. I am now serving on my second continuous term of two years each, the second term beginning last October.

Q. How many times have you been elected alderman?—A. Three.

Q. Each time you were elected by a Democratic vote over a Democrat, were you not?—A. Yes.

Q. What other position do you hold?—A. United States commissioner.

Q. Have you held that position for the past eight years under a Democratic administration?—A. Yes, sir. I was first appointed by Judge Bruce, a Republican, then by Judge Jones, a Democrat, some two or three times, and later by Judge Grubb.

Q. You had the indorsement of Democrats for that appointment?—A. Yes. Also Republicans.

Q. You have frequently been manager or clerk in city, State, and national elections, have you not?—A. Yes.

Q. Was not this election of November 2, 1920, conducted as fairly as previous elections in which you have acted as clerk or manager?

(Objection.)

A. I was not beyond the voting box, and so far as my knowledge extends it was.

Q. The election was held in the courthouse?—A. Yes.

Q. That was the regular place for holding the election, was it not?—A. Yes.

Q. The managers and election officers were at a table to themselves?—A. Yes.

Q. There was a deputy sheriff that attended the election officers during the day, was there not?—A. I don't think there was. Mr. Chandler, the sheriff, entered the polling place several times. I don't know whether a deputy sheriff who was returning officer remained on the outside or not.

Q. Was there a Republican manager at that box?—A. Mr. Stanfield was selected, but my information is that he did not vote the Republican ticket.

Q. Is it not your information that Mr. Stanfield is one of the names as suggested by the Republicans for manager?—A. Yes.

Q. You are a Republican?—A. Yes.

Q. All your life?—A. Yes.

Q. Do you know how Mrs. Tolson voted for Congress?—A. No.

Q. Did you hear her electioneer while in the box against Capt. Rainey?—A. No.

Q. Did you hear her electioneer at all?—A. No.

Q. Did you see her mark any tickets?—A. No.

Q. Mrs. Tolson came into the polling place to vote, did she not?—A. I don't remember whether she voted at this box or not.

Q. Do you know how Mr. Bellenger voted?—A. No.

Q. Did he come into the voting place to vote?—A. I think he did; that is my recollection.

Q. How long did he stay in the polls?—A. He was in and out several times.

Q. How long did Mrs. Tolson stay in the polls?—A. I think she remained there until Mr. Stanfield asked her to go out. There were some objections.

Q. Did anybody object to Mr. Bellenger being in the voting place?—A. I never heard any one.

Q. Did you hear him electioneer with any one?—A. No.

Q. Did you see him mark any tickets?—A. I can't say that I saw him mark any tickets; they were sitting around a table and had the ballots on the table.

Q. Do you remember any of the names of the men who were sitting around the table?—A. No.

Q. Do you know whether those men sitting around the table with Mr. Bellenger asked him to come and assist them in making out their ballots?—A. No.

Q. Is it not a fact, Judge, that every voter who desired to do so had every opportunity to cast his ballot in secret in box No. 1?—A. Yes.

Redirect examination:

Q. Who appoints the election officers?

(Objection.)

A. The probate judge, the sheriff, and the circuit clerk.

Q. Did you say that Mr. Stanfield had on his taxi just prior to the election a poster which in substance said "Vote for Rainey"?—A. Yes; his car was

decorated with a banner which had the name of Capt. Rainey, the Democratic candidate for Congress, on it.

Q. Mr. Stanfield, then, was selected by the probate judge, sheriff, and clerk of Etowah County from a list of names that had been submitted by the Republican chairman, which contained three or more names?—A. Yes.

Recross-examination:

Q. The banner you spoke of, bearing the name of Rainey, was nothing more than a paper sticker, pasted on the wind shield of Mr. Stanfield's car?—A. I don't know whether it was paper or cloth, and I don't know where it appeared on the car; I just saw it some place on the car.

Q. Mr. Stanfield was appointed manager in box 1, at the instance of Mr. J. S. Franklin, county chairman of the Republican campaign committee of Etowah county, was he not?—A. I presume so, the custom is that the organization submit a list of names.

Q. You received your appointment as clerk in box 1, at the instance of the same authority, and by the same election officers?—A. Yes.

EDW. PICKARD.

E. L. HURST, being examined says:

Q. What position do you hold in Etowah County, Ala.?—A. Clerk of the circuit court.

Q. Were you clerk of the circuit court, November 2, 1920?—A. I was.

Q. Who appoints the election managers for Etowah County?—A. The probate judge, the sheriff, and the clerk.

Q. What is your politics?—A. Democratic.

Q. What is the politics of the probate judge and the sheriff of Etowah County?—A. Democratic.

Q. Do you know the three registrars of Etowah County, who were appointed to register the voters of Etowah County?—A. Yes.

Q. What is their politics?—A. My information is that they are Democrats.

Q. At what box did you vote?—A. Box No. 3, in Gadsden, Ala.

Q. Was there any booths at that box for the voters to vote their tickets in?—A. My recollection is that there were none.

Q. How many voting places were there in Gadsden?—A. Four.

Q. Approximately how many votes were polled in the combined voting places in the city?—A. I can't now recall.

Q. Was there any booths provided at any of the voting places in Gadsden at that election?—A. I can't say only for box 3; there were none there.

Q. Is Gadsden an incorporated city?—A. It is.

Q. Has it got more than 3,000 population?—A. It has.

Q. Did you haul any one in your car to the courthouse to be registered, while the registrars were sitting, between the 19th and 26th of October, last?—A. I did.

Q. About how many?—A. I brought quite a number; some of my neighbors would come in with me as I came to the office.

Q. Didn't you bring other parties who were not your neighbors?—A. I did.

Q. Did you take any applications for ladies to register, who did not come before the registrars themselves?—A. I took out some application blanks. I don't know whether they came before the registrars or not.

Q. Did you deliver them to different parties?—A. I can't recall delivering but one.

Q. Did you bring any applications back to the registrars after it was filled out?—A. No.

Q. Did you take out any registration certificates?—A. I took out a few blanks.

Q. What did you do with them?—A. I returned most of them to the registrars in blank form.

Q. What did you do with the remainder?—A. I can't recall leaving but one, and returned the balance. It was left with Mrs. Elliott. Mrs. Newt Elliott, who lived in Gadsden beat.

Q. Do you know of any one else other than yourself, who carried out registration certificates?—A. I do not.

Cross-examination:

Q. Under the law in this State, it is the duty of the probate judge, sheriff, and circuit clerk of each county to appoint the election managers and clerks

from lists of names submitted to them by the managers of the respective parties, is it not?—A. Yes.

Q. Was that done in this county?—A. It was.

Q. Was there a Republican manager and clerk appointed in each beat in this county to act in such office in the general election on November 2, 1920, from a list of names furnished to the probate judge, sheriff, and clerk by the chairman of the Republican Party in Etowah County?—A. Yes.

Q. Is it not the law in this State that the registrars are appointed by the governor of the State, and that Mr. Miller and Mr. Harris and Mr. Jelks registrars in Etowah County so received their appointment?

(Objections.)

A. Yes.

Q. Do you know whether or not the probate judge of Cullman County, Ala., in the seventh congressional district, is a Republican?

(Objection.)

A. It is my information that he is.

Q. Do you know whether or not the circuit clerk of St. Clair County in the seventh congressional district of Alabama is a Republican?

(Objection.)

A. He is.

Q. Did the voters in box 3 have every opportunity to vote a secret ballot in the November election, 1920?—A. They did.

Q. Did you see any occasion of any unfairness or fraud in the voting at box 3?—A. I did not.

Q. Was there any objection made to the proper officials by any of the officers conducting the election at box 3, because no booths were provided?

(Objection.)

A. I never heard of any.

Q. Is it not a fact that Mr. Kennamer received a larger vote at box No. 3 than at any other box in Gadsden?—A. Yes.

Q. Under the law is it not a fact that the election precincts in a city or county can not be changed other than by an order of the commissioner's court of said county, after having given legal notice?

(Objection.)

A. Yes.

Q. Is it not a fact that due to the fact that the women were recently given the right to vote the number of voters in each precinct was at least doubled?—A. Yes; more than doubled.

Q. And that their enfranchisement was given at a date when it would have been impossible for the commissioners court to have given the proper notice for a change in the number of voting places in the city of Gadsden, and the different beats of the county prior to the election?

(Objections.)

A. It is.

Q. Do you know of any change in any of the voting precincts in the State of Alabama that was made?

(Objections.)

A. I do not.

Q. Do you know Mrs. Newton Elliott's politics?—A. I do not.

Q. Do you know whether or not she voted?—A. I do not; it is my information that she did not.

Q. What was her age and physical condition?—A. She is about 60 years of age and an invalid.

Q. You brought in your car Republicans as well as Democrats, did you not?—A. I did.

Q. Did you not see, during the week of registration, an automobile bus that runs for hire between Boaz, Marshall County, Ala., and Attalla, Etowah County, Ala., in the seventh congressional district, bringing loads of Republican women to the courthouse in Gadsden to register during the week of registration?—A. I did.

Q. About how many did it bring at a load or trip?—A. Quite a number; my judgment is about 15 or possibly more.

Q. About how many trips a day would this bus make?—A. I have known it to make as many as two trips a day, possibly more.

Q. Did you see Republicans hauling Republican women to Gadsden to be registered, during registration week?—A. I did.

Q. Did you make any charges for bringing the women in to register?—A. I did not.

Q. Did you receive any remuneration whatever for so doing from anyone?—A. I did not.

Redirect examination:

Q. Do you know whether or not any Democratic women came in on that bus you testified about running for hire?—A. I do not.

Q. How many Republican women did you bring in to register?—A. I can't say.

Q. Can you name any one that you brought?—A. I can. Mrs. Tom Winningham. I carried Mrs. Bob Coin back; and Mrs. Body, and two other ladies who lived near the falls.

Q. Tom Winningham is known as a Democrat, is he not?—A. I don't know.

Q. What time of day did you vote at box 3?—A. About 12 o'clock.

Q. How long did you remain at the voting place?—A. Just long enough to vote.

Q. Were you in the voting place at any other time during the day other than the time you voted?—A. I was in the building.

Q. At what time of day was that?—A. In the afternoon some time; I don't remember the hour.

Q. How long did you remain?—A. I guess 30 minutes or possibly longer.

Q. It is a fact, then, that you do not know what went on at the voting place when you were not there?—A. Yes; it is a fact.

Q. Who is the probate judge of Cullman County?—A. I don't know his name.

Q. About how long before the November election did the State of Tennessee ratify the nineteenth amendment?

(Objection.)

A. I can't say, only a short while.

Q. Was it not the latter part of August or the 1st of September, 1920?—A. My judgment is, it was in September.

Q. If the governor of Alabama had called the legislature together immediately, and the legislature had passed the law within five days, and if the governor had appointed the registrars immediately, would not the people of Alabama have had ample time to register?

(Objection.)

A. I can't say for I do not know the date of ratification.

Q. Would not the registrars have had ample time to visit every precinct in Etowah County?

(Objection.)

A. I can't say.

Recross-examination:

Q. Do you know when the Secretary of State of the United States proclaimed the nineteenth amendment adopted?—A. I do not.

Q. Do you know what notice and the length of time that has to be given to the members of the Legislature of Alabama by the governor of the State of Alabama before the legislature can be convened in extraordinary session?—A. I do not.

Q. Do you know the shortest time that it is possible to pass a bill through both houses of the Legislature of Alabama to which there is no opposition?—A. Five days, I believe.

Q. Do you know of any petition that was made to the governor of Alabama by any Republican in the seventh congressional district to call the legislature in extraordinary session?—A. I do not.

Q. Do you know of any effort on the part of any Democrat in the seventh congressional district to delay the calling of an extra session of the Alabama Legislature by the governor after it was proclaimed that the nineteenth amendment was adopted?—A. I do not.

Q. Is it not a fact that every person in Etowah County, who was qualified to register, had ample time to do so?—A. It is.

Q. And, so far as you know, every person in Etowah County who sought to register, and was qualified to register, did so?—A. Yes.

Q. I will ask you if the Republican women, about whom you testified as carrying home from the registration in Gadsden were not women who told

you that they had been brought to Gadsden to register by a Republican, and that they had no way to get back home with their children?

(Objection.)

A. Yes.

Q. Did you ask those you hauled in to register their politics?—A. I did not.

Q. Did you in any way try to influence how they should vote?—A. I did not.

Redirect examination:

Q. Do you know how far it is from the back side of Chandler's beat, in this county, to the courthouse?—A. It is about 22 or 24 miles.

Q. Chandler's beat is a strong Republican beat is it not?—A. It is.

Recross-examination:

Q. Walnut Grove beat, in this county, is a strong Democratic beat, is it not?—A. Yes.

Q. It adjoins Blount County on the remote west, does it not?—A. Yes.

Q. It also joins Chandler beat, does it not?—A. It corners with Chandler.

Q. What is the distance from Gadsden to the remotest part of Walnut Grove beat?—A. About 25 miles.

Q. Did the registrars visit Walnut Grove beat?—A. I don't know.

Q. Do you know whether the registrars visited Altoona beat or not?—A. My recollection is they did.

Q. Did Altoona beat go Republican in the last general election?—A. It did.

Q. Did they visit Alabama City?—A. They did.

Q. How many population has Alabama City?—A. Between 5,000 and 6,000.

Q. Did that beat go Republican?—A. Yes.

Q. Is it not a fact that the registrars visited about the same number of Republican beats in Etowah County as they did Democratic beats prior to the time that they remained at the county seat under the law?—A. It is.

Q. Is it not a fact that there were more voters in the Republican beats that they visited than there were in the Democratic beats that they visited prior to the time they were at the county seat?—A. In my judgment, there were.

Redirect examination:

Q. Is it not a fact that Altoona had been going Democratic in the elections prior to the election on November 2, 1920?—A. It has gone Democratic, but it has always been very close.

Q. How far is Altoona from Walnut Grove?—A. Two and one-half or three miles.

Q. Is it not a fact that Alabama City went for L. B. Rainey over C. B. Kennamer in the special election of 1919?—A. My recollection is that it did.

Q. Is it not a fact that the registrars visited Phillips, Keysburg, Hokesbluff, Ball Play, Attalla, all strong Democratic beats?—A. Those beats are all Democratic, except possibly Ball Play, it is always very close there.

Q. Is it not a fact that Rainey received 60 votes in Ball Play beat and Kennamer 43?—A. I don't know what the vote was.

Q. Did the registrars visit Clear Creek, Union, Warrior, Hoppers, Aurora, Chandlers, or Short Creek beats?—A. I can't say.

Q. Is it not a fact that all those beats are strong Republican beats?—A. It is.

Q. Is it not a fact the Brocks and Fairview beats are strong Republican beats?—A. Brocks is; and Fairview went Republican last election.

Q. Did the registrars visit any of those beats?—A. I can't say.

Recross-examination:

Q. Is it not a fact that all beats named by contestant's attorney adjoin, with the exception of Brocks, some beat in which the registrars sat for the purpose of registering voters?—A. It is, with the exception of Union.

Q. There were quite a number of Democratic beats, as far removed from the beats in which the registrars sat, namely, Whorton's Bend, Coats' Bend, Gilbert, Hollis, E. Gadsden, Reece, Gum Springs, Walnut Grove, Turkey Town, that were not visited by the registrars?—A. It is.

Q. It is a fact that Alabama City in the last election went for Mr. Kennamer by a large majority?—A. It is.

Q. And that Kansas, heretofore a Democratic beat, went for Mr. Kennamer?—A. It is.

E. L. HURST.

J. W. MILLS, being examined, says:

Q. Where do you reside?—A. Attalla, Ala.

Q. Is Attalla an incorporated city?—A. Yes.

Q. Has it got over 3,000 inhabitants?—A. The 1920 census gave us over 3,000.

Q. How many voting precincts are there in the city?—A. Two.

Q. Were you a watcher at one of the boxes in Attalla?—A. Yes; at box No. 2.

Q. Did they have any booths at that box where voters could go to mark their ballots in secret?—A. No.

Q. Was the voting place congested or crowded during the day by people wanting to vote?—A. It was at times.

Q. Did you notice any electioneering by anybody in the voting place during the day?—A. I could not say that there was, but some of the voters were stopped before they came inside the voting place.

Q. Did you see or hear anyone try to prevent or persuade anyone not to vote the Republican ticket during the day?—A. Yes. One person is all I remember.

Q. How many were trying to persuade that voter?—A. Two.

Q. Were those people Democrats or Republicans?—A. I don't know; they have a reputation of being Democrats.

Q. Can you tell anything that they said or did?—A. One of the people came to the table after the voter had sat down to mark his ticket and told him what he might depend on if he voted a Republican ticket; that was done in a joking way.

Q. What did they tell him that he might depend on?—A. They did not name that.

Q. Who were the persons that were trying this?—A. Well, I had rather not name them; they are neighbors of mine.

Cross-examination:

Q. Do you know what the law is relative to providing voting precincts in a city of over 3,000 inhabitants?

(Objections.)

A. No.

Q. Do you know whether the lawful officials of Etowah County had an opportunity under the law to enlarge the voting precincts, or to increase their number, between the time that the women registered and the day of the election?

(Objections.)

A. I am not a lawyer; I could not tell you.

Q. The number of voters in Attalla was very largely increased by the registration of the women, was it not?—A. About doubled.

Q. In the elections preceding the November election how many voting precincts were in the city of Attalla?—A. Two.

Q. Were they in the city of Attalla at places owned by the city, or rented by the city?—A. They were.

Q. The place at which you were a watcher was roped off, was it not?—A. No. After the polls opened we put benches there and made a kind of an inclosure.

Q. Were you a watcher?—A. Yes.

Q. A Republican watcher?—A. Yes.

Q. Who appointed you as a watcher?—A. Mr. J. S. Franklin.

Q. Was there a Democratic watcher there?—A. Yes.

Q. Who was it?—A. B. C. O'Rear.

Q. Did you receive any pay?—A. No.

Q. There was a Republican manager and clerk at this polling place, was there not?—A. Yes.

Q. Did you see any unfairness of the election on that day?—A. The only thing in the way of unfairness I saw was that the women of the Red Cross had a booth there, and would stop the voters as they would come in, but I do not know what they said to them.

Q. Those were the voters you had reference to just now when you testified that the voters stopped when they came in to vote?—A. Yes.

Q. They also stopped voters coming out, did they not?—A. They did not until in the afternoon.

Q. These women were soliciting funds for the Red Cross, were they not?—A. I don't know; they were there all day and did not solicit me for any.

Q. Don't you know, as a matter of common knowledge, that the business of those women there was to raise funds for the Red Cross, and had no connection with the election at all?—A. That was my understanding of the intent.

Q. The Red Cross organization of Etowah County is nonpolitical, is it not?—
A. It is supposed to be.

Q. Its membership consists of Republicans as well as Democrats?—A. Yes.

Q. Don't you know that on the day of the election they made a drive for funds in the different beats of Etowah County?—A. I could not say that they did; I was around them all day and I was not solicited for funds or membership either.

Q. You knew that they were selling membership in the Red Cross?—A. Yes.

Q. You saw them place Red Cross buttons on those that bought membership?—A. Yes.

Q. But you did not volunteer to buy a membership?—A. No.

Q. Do you know of any Republicans that tried to persuade any voters as to how he should vote on election day?—A. No.

Q. Did you mark any tickets for any voters?—A. Yes.

Q. How many?—A. I could not tell.

Q. Your best judgment as to how many?—A. I should think 12 or 15.

Q. Did you not know that under the law of this State a watcher had no authority to mark a voter's ticket?

(Objection.)

A. I am not a lawyer.

Q. Do you mean by that that you do not know?—A. I did not know it.

Q. Did you suggest to any of those voters as to how they should vote?—A. I did not; I knew that was a violation of the law.

Q. Can you give me the names of the voters whose tickets you marked?—A. No, sir.

Q. You do not remember any of them?—A. I could not recall a single one.

Q. Who was the person that some one tried to persuade not to vote the Republican ticket?—A. James Neilly O'Rear.

Q. Where did he live?—A. In Attalla.

Q. Do you know whether he voted the Republican ticket or not?—A. I did not see him vote a Republican ticket; he said he voted it.

Q. What was it you heard these persons say to him?—A. They told him that he might know what to depend on if he marked his ticket that way. This was in a joking manner.

Q. That was all that was said?—A. Yes.

Q. Who were those two persons?—A. I had rather not answer that question.

Q. We insist that you give us the names of those two persons.—A. One was Mrs. C. M. Frost, and Mrs. B. C. O'Rear.

Q. Which one did you hear say that he might know what to depend on if he voted the Republican ticket?—A. Mrs. O'Rear.

Q. Is Jim Neal related to Mrs. O'Rear?—A. A son.

Q. Mr. B. C. O'Rear, the Democratic watcher, was his father?—A. Yes.

Q. Do you know what Mrs. C. M. Frost and Mrs. B. C. O'Rear were doing at the election?—A. They had charge of the Red Cross booth.

Q. Were there any other ladies there working around the Red Cross booth that day?—A. Several: Mrs. Ben Stowers, Mrs. D. C. Howard, Mrs. Fulghum, Mrs. Mills, and others, but I can't recall their names.

Q. Is Mrs. Mills your wife?—A. Yes.

Q. She is a Republican, is she not?—A. She voted a Republican ticket.

Q. So the Red Cross sales were conducted by Democratic and Republican women?—A. Yes.

Redirect examination:

Q. Did you see the Democratic during the day?—A. Yes; a good many.

Q. In your judgment, about how many?—A. He went to the table where the voters were marking their tickets, when there was not too much rush, almost every one that came in, unless he knew their political faith; he did not go to any Republicans where he knew them to be Republicans.

Q. Did he mark more tickets than you did?—A. In my judgment, he marked four to my one.

Q. Who carried that box, Rainey or Kennamer?—A. Mr. Rainey.

Q. Is it not a fact that Mr. Rainey got 214 votes and Mr. Kennamer 54 at that box?—A. That is my recollection.

Q. You say Jim O'Rear was carried off behind the booth and talked to before he entered to vote?—A. Yes.

Q. Then did they follow him in to the voting place?—A. One of them came in while he was at the table.

Q. In the forenoon, when the Red Cross stopped the voters as they came in, were there any Republican women working with the Red Cross?—A. Mrs. Mills and Mrs. Howard were the only Republican women I remember seeing with the Red Cross and they were there in the afternoon and not in the morning.

Recross-examination:

Q. Were Mrs. Mills and Mrs. Howard invited to be there in the morning?—A. No; they were assigned certain hours, as I understand it.

Q. How many hours did they serve at a time?—A. Supposed to serve two hours, I think.

Q. Do you know who served the first two hours?—A. I do not.

Q. Do you know who served from 10 to 12?—A. Mrs. O'Rear and Mrs. Frost and Mrs. Stowers were there most all the morning.

Q. Were they there in the afternoon?—A. I don't remember that they were.

Q. Do you remember who was with Mrs. Mills and Mrs. Howard in the afternoon?—A. There was another lady there, but I do not remember who it was.

Q. Is it not a fact that these ladies represented the Red Cross organization of this county, and not any political faction?—A. That was my understanding.

Q. Which lady was it that went to the table where Jim Neilly voted?—A. It was his mother.

Q. Was this the first vote that Jim Neilly had ever cast?—A. I don't think so. He voted in the city election, but the first in the general election.

Q. Do you know what was said to him while Mrs. Frost and his mother were talking to him?—A. No.

Q. Did you see Mrs. Mills or Mrs. Howard talking to any of the voters on the day of the election?—A. Not until after they had voted.

Q. You did not see them speak to any voters until after they had voted?—A. They might have spoken to them but they did not stop them and engage them in conversation.

Q. They did not assist in the sale of Red Cross subscription until after the election managers had notified the ladies selling subscriptions that they must not talk to the voters?—A. I protested to Mr. O'Rear during the morning that the Red Cross ladies should not talk to the voters until they voted and started out; I did not make any protest to the ladies until Mrs. Howard and my wife came on.

Q. Did you make any protest to the election officials?—A. No, sir; at one time I asked the returning officer not to let the Red Cross ladies come on the inside while the voters were voting.

Q. Did you make any protest to the election managers?—A. No.

Q. Would the ladies conducting the Red Cross sales ceased to have talked to the voters if they had been requested to do so by the election officials?

(Objections.)

A. I don't know, but I suppose they would.

Q. Mrs. Frost and Mrs. B. C. O'Rear are next-door neighbors, are they not?—A. Yes.

Q. This was their first vote?—A. Yes.

Redirect examination:

Q. In your judgment, was the majority of the vote at that box cast in the forenoon or afternoon?—A. My recollection is that we voted a little over half in the forenoon.

Q. Were these Red Cross ladies within 30 feet of the polling place during the day?—A. Yes; they were less than that.

J. W. MILLS.

CHARLES O. DUNCAN, being called, says:

Q. Were you a clerk at box No. 2, in the city of Gadsden, at the November election, 1920?—A. I was.

Q. Was there any booths at that box for the voters to mark their ballots in secret?—A. No.

Q. Was the voting place crowded and congested during the day with voters trying to vote?—A. It was at times.

Q. In your judgment, about how many at those times would be in the voting polls?—A. Probably from 50 to 75; perhaps more; I could not tell.

Q. Would the crowd be closer than 30 feet to where they were voting?—A. They were crowded all around the table.

Q. Did the voters have to mark their tickets on the table in front of other people where they could see?—A. They did.

Q. Did you see anyone marking ballots for the voters?—A. Yes.

Q. Who did you see marking ballots?—A. J. M. Chadrick, Will Beggs, John Walker, Bud Hood.

Q. Are all of these men Democrats?—A. I think they are.

Q. Did you hear any electioneering or suggestion as to how anyone should mark their ballots?—A. No.

Q. Did you hear anyone suggest that the voters should mark their ballots straight under the rooster?—A. I did not.

Q. Were all the ballots voted at that box numbered as required by law?—A. They were not.

Q. In your judgment, about how many ballots were deposited that were not numbered?—A. Something over 200.

Q. Is the city of Gadsden an incorporated city?—A. It is.

Q. Has it more than 3,000 inhabitants?—A. Yes.

Q. Who carried box No. 2, Rainey or Kennamer?—A. Rainey.

Q. Is it not a fact that Rainey received 798 and Kennamer 70 at that box?—A. I think that is the figures, I am not sure; something around that.

Q. Was Mr. J. M. Chadwick, W. J. Beggs, John Walker, or Bud Hood, any or either of them, election officials at that box?—A. Bud Hood was returning officer. The others were not connected with election as officials.

Cross-examination :

Q. Was that election held at the regular voting place?—A. Yes.

Q. Was it held under similar conditions as previous elections?

(Objections.)

A. No; it was not. My understanding is we had more men at the boxes and we had no markers at this time.

Q. In other respects was it similar?—A. Yes.

Q. There was a Republican manager and clerk at that box, was there not?—A. Yes.

Q. Was there any objections made by the election officials to the number of people being in the store where the election was held at the time you spoke of the polling place being crowded?—A. No. We were all busy trying to get rid of them.

Q. Is it not a fact that if a voter had desired to mark his vote in secret he could have done so?—A. I don't see how he could unless he had put it under his coat or put his hat over it.

Q. Do you mean to say that that store was so crowded that there was no place in it in which a voter could have gone and marked his ticket without it having been seen at the time that he marked it?—A. There was no place where we were holding the election; they could have gone in the back end or in Mr. Phillip's private office. This was when the crowds were there, and this was most all the day.

Q. Were there booths at this voting place in the State election?

(Objection.)

A. I don't remember, but I don't think there was.

Q. Do you know whether or not the voters whose tickets Messrs. Chadwick, Beggs, Walker, and Hood marked requested them to mark them for them?—A. I did not hear anyone request, only some of them requested that they wanted help, and Mr. Bud Hood helped them; I think Mr. Griffin told him to.

Q. Was that in the presence of the other managers?—A. Yes; I do not think there was any objections.

CHAS. O. DUNCAN.

JOHN J. STEPHENS, being examined, said :

Q. Where do you reside?—A. Attalla, Etowah County, Ala.

Q. How many voting precincts are there at Attalla?—A. Two.

Q. Is it an incorporated town or city?—A. Yes.

Q. Has it more than 3,000 inhabitants?—A. Something over 3,400.

Q. At which election precinct did you vote?—A. No. 1.

Q. Were you a watcher at box No. 1, in the November 2 election?—A. Yes.

Q. Was the voting place crowded or congested during the day?—A. Part of the time very bad.

Q. Was there any booths in the voting place?—A. No.

Q. In your judgment, about how many people at any one time were in the voting place?—A. Sometimes it would run from 20 to 50 and might have been more.

Q. Did you see any ballots carried out of the voting place during the day?—A. Yes.

Q. By whom?—A. John Childers.

Q. Was he an election official on that day?—A. No.

Q. Your judgment, about how many ballots did he carry out during the day?—A. I would say anywhere from 20 to 30; it might have been 50; I could not say positively.

Q. After they were carried out, were those ballots marked and returned to the election officials?—A. Yes.

Q. Is John Childers a Republican or a Democrat?—A. Democrat.

Q. Who carried that box, Rainey or Kennamer?—A. Rainey.

Q. Is it not a fact that Rainey received 324 votes and Kennamer received 195?—A. It was about that number.

Q. Are you acquainted with the location of the various beats of Etowah County and the way they usually vote?—A. I know where every beat is and approximately how each one vote.

Q. Is the courthouse of Etowah County closer to the Republican beats or the Democratic Beats?—A. A very large majority of the Democratic vote is close to the courthouse.

Q. Is it not a fact that the strong Republican beats are largely in the extreme western portion of this county?—A. In the northeastern and western.

Q. Is Chandler's beat a Republican beat or a Democratic beat?—A. Republican.

Q. How far is Chandler's beat from the courthouse?—A. In the neighborhood of 20 miles.

Q. Is not Brooks, Cox, Chandlers, Aurora, Clear Creek, Hoppers, Warrior, Short Creek, and Howelton all Republican beats—also Union?—A. Some of them are very strong Republican, and some of them are reasonably close, but all are Republican.

Q. Did the registrars visit any of these beats when they were registering voters in October last?—A. No.

Q. Is Phillips, Hokesbluff, Ball Play, Coats Bend, Attalla, and Duck Springs—are not all Democratic beats?—A. They are.

Q. Did not the registrars visit all of these beats for the purpose of registering voters in the past October?—A. They advertised to do it; I was not at the places.

Q. I will ask you if Altoona and Carlisle beats have not been going Democratic every time until the previous election?—A. My recollection is that they have, Carlisle by a small majority and Altoona by a considerable majority.

Q. I will ask you if the registrars did not visit those places for the purpose of registering voters?—A. They advertised to do it and Mr. Harris and Mr. Miller told me they did do it.

Q. Did not Alabama City go Democratic in the special election in 1919?—A. My recollection is that it did.

Q. Did not the registrars visit the place for the purpose of registering voters?—A. They did.

Q. Do you know whether or not Mrs. Maud Manley voted an absentee ballot in the November election?—A. My recollection is she did.

Q. Where does Mrs. Manley now reside?—A. Somewhere in Florida.

Q. Did she move there before the registration of voters in this county?—A. She did.

Q. Did she return to Attalla at any time during the time of registration?—A. No.

Q. Is she a Democratic or a Republican?—A. Democrat.

Q. Do you know whether or not her husband Frank Manley voted in that election?—A. He did.

Q. Did he vote an absentee ballot?—A. Yes.

Q. How long before the election had he moved from Attalla to the State of Florida?—A. My recollection is it was somewhere between the 1st and the 10th of September, 1920.

Q. Did he vote a Democratic ticket or a Republican ticket?—A. He is a Democrat, but I could not say for certain how he voted.

Q. Do you know whether Mrs. Arthur Shahan voted an absentee ballot in Attalla?—A. My recollection is she did.

Q. Where was she during the registration of women voters of this county?—A. St. Petersburg, Fla.

Q. Is she a Democrat or a Republican?—A. Democrat.

Q. Where was Mrs. T. C. Banks during the registration of women?—A. She was at Frost Proof, Fla.

Q. Is she a Democrat or a Republican?—A. Democrat.

Q. Did she vote an absentee ballot in the November election?—A. My recollection is that she did.

Q. Was she in this county during the period of registration?—A. No. I don't reckon she was; I did not see her.

Q. She resided in Attalla, where you do, before moving to Florida?—A. Yes.

Cross-examination:

Q. You were a Republican watcher were you not?—A. Yes.

Q. There were a Republican manager and clerk at box 1 in Attalla?—A. There was a Republican manager, and I think there was a Republican clerk.

Q. Was the election held at the regular election place at Attalla?—A. It was held in the city hall, where it has always been held, but the hall has been moved.

Q. Was there any booths in the voting place at box 1 Attalla during the recent city election?

(Objection.)

A. No.

Q. You were a candidate in the recent city election?

(Objection.)

A. I was.

Q. Who was the returning officer in that box in the November election?—A. C. S. Gains.

Q. How many ballots were marked and returned to the election officials by Mr. Childers?—A. How many he marked, I do not know; but he returned somewhere between 20 and 50.

Q. Do you know whether or not he marked any?—A. I saw him marking in there, but whether he was marking tickets I could not tell you.

Q. Did he take the tickets outside of the place where they were voting?—A. He took the tickets outside of the hall.

Q. Is he city clerk?—A. Yes.

Q. Did he have an office on the same floor at the place in which the election was held?—A. He had an office in an adjoining room on the same floor.

Q. Was that office within view of the election officials?—A. Some of them it was and some of them it was not. Part of the time the door was open and part of the time it was shut.

Q. Was he within your view?—A. When I would step out 8 or 10 feet, I could see him when the door was open.

Q. Is Walnut Grove a strong Democratic beat?—A. Yes.

Q. Is it in the extreme western portion of the county?—A. It is.

Q. Did the registrars visit that beat?—A. No. They did not advertise to do it.

Q. Is not Hollis, East Gadsden, Keener, Keysburg, Reece, Gum Springs, Democratic beats; also Turkeytown?—A. Hollis, East Gadsden, Keysburg, and Turkeytown are strongly Democratic, and Reece and Gum Springs are by a small majority.

Q. Did the registrars visit any of these beats?—A. My recollection is they visited Keysburg, but none of the others.

Q. Is not Whortons Bend strongly Democratic?—A. Yes. The registrars did not advertise to visit it.

Q. Is not Walnut Grove as far removed from the courthouse as Chandlers Beat?—A. About the same thing, I think.

Q. Did not Alabama City go strongly Republican in the November election?—A. About 80 or 85.

Q. Did not the registrars visit Alabama City for the purpose of registration?—A. Yes. I saw them there.

Q. Did Carlisle go strongly Republican in the November election?—A. Yes.

Q. It was also visited by the registrars?—A. They advertised to be there from 1 to 4.

Q. Did Altoona go Republican in the last election?—A. Yes.

Q. Did the registrars spend the day in Altoona?—A. They advertised to do so.

Q. Do you know how Duck Springs went in the last election?—A. Democrats carried it by 2.

Q. Did the registrars sit in Duck Springs for the purpose of registering?—A. They were advertised to be there from 8 to 12.

Q. They were advertised at Keysburg from 8 to 12, were they not?—A. I think so.

Q. They were also advertised at Hokes Bluff for the afternoon?—A. Yes; that's my recollection.

Q. Chandler beat adjoins Carlisle, does it not?—A. Yes; it butts up to it.

Q. Hoppers and Warriors adjoin Altoona, do they not?—A. Yes.

Q. Don't Cox, Chandlers, Aurora, and Short Creek join Carlisle?—A. Yes.

Q. Does not Clear Creek adjoin Attalla?—A. Yes.

Q. Do you know what length of time the registrars under the law has to sit for the purpose of registration in beats outside of the county seat?

(Objection.)

A. My recollection is the time was not fixed except at the courthouse.

Q. How many days after the registrars were appointed did they have to sit in precincts outside of the county seat prior to the time, under the law, they had to sit at the county seat?—A. Some seven or eight days.

Q. How many Democratic beats did Mr. Kennamer carry in the last election that had been Democratic beats prior thereto?—A. Kansas, Fairview, and about three others, or four.

Q. How many formerly Republican beats did Mr. Rainey carry in this county?—A. Gum Springs.

Q. Mrs. Maud Manley was born and reared in or near Attalla in this county and has lived there all her life until she went to Florida, has she not?—A. Yes.

Q. When did she leave Attalla?—A. Some time between the 1st and 10th of September, 1920.

Q. Had she acquired the right to vote in any other place than Attalla?—A. I do not know. I don't know what the law in the State of Florida is.

Q. Do you know whether or not she changed her citizenship in so far as her right to vote was concerned, from Attalla?—A. All I know is she told me she had left the State and did not intend to return any more.

Q. Is it not a fact that, under the law of the State of Alabama, persons can reside in another State and retain their citizenship, so far as the right to vote is concerned, in this State?

(Objection.)

A. They can if they don't vote in that State.

Q. Does not the intention of the party govern?—A. The action of the party governs.

Q. Do you know whether or not Mrs. Manly ever voted elsewhere than at Attalla?—A. I do not.

Q. Do you know what length of time a person has to reside in Florida before they have a right to vote in that State?—A. I do not.

Q. Do you know how she voted?—A. Nothing more than what she said.

Q. Have you heard her say anything about how she voted since she voted?—A. No.

Q. Was not this her first vote?—A. If she ever voted anywhere else, I don't know it.

Q. Do you know of your own knowledge how Mrs. Manly voted?—A. No.

Q. Was her name on the list of qualified voters for Attalla beat?—A. My recollection is that it was.

Q. Mr. Frank Manly is her husband?—A. Yes.

Q. Was his name on the list of qualified voters in the Attalla precinct?—A. My recollection is that it was.

Q. How long had he lived in Attalla, prior to the time that he went to Florida?—A. He had been there three or four years; I don't know just how long.

Q. Do you know of your own knowledge how he voted?—A. Nothing more than he told me before he left. He told me that he was going to vote for me for mayor, but in the general election he was going to vote the Democratic ticket.

Q. Mrs. Arthur Shaban resided in Attalla prior to her going to Florida, did she not?—A. No; she was in Gadsden, and went from there to Florida. She was reared in Attalla.

Q. She only stayed in Gadsden while her husband was away?—A. Yes; her home was in Attalla.

Q. Is it not a fact that her mother was a Republican?—A. Yes; me and her mother went through the war together.

Q. Do you know of your own knowledge how she voted?—A. No.

Q. Mrs. T. C. Banks lived in Attalla for 20 or more years before she went to Florida, did she not?—A. Yes; right close to 30 years.

Q. Do you know when she went to Florida?—A. My recollection is it was some time in the first part of last year.

Q. She went to Florida on the account of the health of her husband, did she not?—A. That is my understanding.

Q. Do you know of your own knowledge how she voted?—A. No.

Q. Do you know of any one else who had moved away from Attalla that voted in the last election: I mean women?—A. No; I do not.

Q. Have you a married daughter that moved away from Attalla within the last few years?—A. I have two.

Q. What are their names?—A. Mrs. Eloise Cochran and Mrs. Willie Kirk.

Q. Did Mrs. Cochran vote in the last election?—A. Yes.

Q. Did she vote a Democratic ticket or a Republican ticket?—A. I don't know; her husband is a very extreme Democrat, and she told me she was going to vote a Democratic ticket.

Q. Her father is a life-long Republican, is he not?—A. Yes.

Q. When did she move from Attalla, and to what place?—A. About four years ago, and to Bessemer, Ala. She resides in Jefferson County and did not vote in this county.

Q. Did Mrs. Kirk vote in Attalla?—A. Yes.

Q. Do you know how she voted?—A. I do not.

Q. When did she move from Attalla, and to what place?—A. About 10 years ago she moved to California; she came back from California something 5 or 6 years ago, then they went into Old Mexico, and she came here some time in the summer of 1920.

Q. Was the vote of Mrs. Manley, Mr. Manley, Mrs. Shahan, Mrs. Banks, and Mrs. Kirk challenged?—A. No.

Redirect examination:

Q. Did Mrs. Kirk go before the registrars in person and register?—A. Yes.

Q. Did Mrs. Banks, Mrs. Shahan, or Mrs. Manley go before the registrars in person and register?—A. No.

Q. Is it not a fact that the law of Alabama requires a person to make application in person before two or more of the registrars before they can become a qualified voter?—A. My recollection is that they must make application before a majority of the board.

Q. Did the governor of Alabama call the legislature of Alabama together immediately after the ratification of the nineteenth amendment?—A. My recollection is that he did not.

Q. Did you legislature pass the law immediately after it assembled, or within five days thereafter?—A. No; not in 20.

Q. Did the governor appoint the registrars of Etowah County immediately after the bill was passed?—A. No.

Recross-examination:

Q. Had Mrs. Kirk been living in Alabama for the two preceding years before the November election?—A. Her home was here for the four preceding years.

Q. Was she in the State for two years preceding the election?—A. Yes.

Q. When did she come into the State?—A. Year before last she came home and stayed a month, is my recollection.

Q. Was that on a visit from Mexico to you?—A. Yes.

Q. How long before that had it been since she had been in the State?—A. Something like two years.

Q. The fact is that she had been with her husband in Mexico, for practically 4 years, with the exception of the visit, prior to her coming to Attalla in the summer before the election?—A. Yes.

Q. Attorney showed to witness the general and local acts of Alabama special session, 1920, section 34; page 132. Rules registrars may make: "The board of registrars shall have the power and authority to make such rules and regulations, as it deems proper for the receipt of application for registration and the accomplishing in as expedient a manner as possible the registration of those

entitled to register, provided, however, no person shall be registered until a majority of the board of registrars has passed favorably upon such person's qualifications." The section just read to you was correctly read from the general and local acts of Alabama, special session, 1920, was it not?—A. Yes.

Q. The registrars commenced registering the voters immediately after they were appointed by the governor?—A. Right in a few days.

JOHN J. STEPHEN.

JANUARY 20, 1920.

CHARLES F. CROSS, being examined says:

Q. Were you a manager at box two in the city of Gadsden in the November election, 1920?—A. Yes.

Q. Was there any booths at that box where the voters could go to mark their ballots in secret?—A. None.

Q. During the day at the voting place, did the voting place become crowded with people?—A. Yes; at times.

Q. Did you see anyone in the voting place marking ballots during the day?—A. Yes.

Q. Do you remember the names of any one whom you saw marking ballots?—A. I recall Mr. Chadwick, Mr. Will Beggs, and I believe Mr. John Walker.

Q. Are those gentlemen Democrats or Republicans?—A. To my best knowledge, they are Democrats.

Q. Was there any ballots deposited in the box that were not numbered?—A. Yes; at the beginning.

Q. In your judgment about how many were deposited?—A. Between two and three hundred.

Q. When the ballots were counted, what was done with them after counting?—A. We counted those ballots and put them in paste-board boxes which were obtained there in Phillips & Neeley's store.

Q. Were they just ordinary pasteboard hat boxes?—A. Yes.

Q. Was there any way of locking those boxes?—A. None.

Q. What was done, if you know, with the ballot box after the ballots were counted?—A. We attempted to seal them with stickers, and they were then turned over to the returning office.

Q. Was there three managers, two clerks, and one returning officer there that day?—A. Yes.

Q. How many of those election officials were Democrats?—A. In my judgment, four.

Cross-examination:

Q. Mr. Cross, you were a Republican manager at that box, were you not?—A. Supposed to be; yes.

Q. Was the election in that box fairly conducted?—A. It is my judgment that it was.

Q. Was there any complaints made because no election booths were erected?—A. Not exactly complaints.

Q. Have you ever seen any booths at that polling place at any prior election?—A. No, sir.

Q. The voting place was in a store where general merchandise was sold, was it not?—A. Yes.

Q. This was the regular voting place?—A. Yes.

Q. It was the duty of the managers to number the tickets, was it not?—A. We were advised both ways on that question, and to play safe and comply with the law we began numbering them.

Q. Did you deposit tickets in the box that were not numbered—any of them?—A. I do not remember, but I think so.

Q. It is a fact that each voter's name was taken down in writing by the clerk and a number placed opposite his name?—A. Yes.

Q. The boxes you spoke of, that were used to place the tickets in after they had been counted by the election officials, were similar to boxes ordinarily used at that voting precinct?—A. I do not know; this was my first experience as manager.

Q. Those boxes were sealed by the election managers after the ballots were counted, were they not?—A. We attempted to seal them with stickers as best we could.

Q. Were they ever disturbed?—A. Not to my knowledge.

Q. The crowded condition at the polls that you spoke of was due to the women having registered, and therefore practically doubled the voting strength of that box?—A. Yes.

Q. The polls were open from 8 to 6 at that box, was it not?—A. Yes.

Q. Do you remember about how many voted during that time?—A. About 800 and a little over.

Q. The election officials consisted of three managers, two clerks, and a returning officer whose duty it was to keep order and make a return of the box?—A. Yes.

Q. The returning officer had nothing to do with the voting in the box; that was controlled by the managers, was it not?—A. Yes.

Q. He had nothing to do with the counting of the votes either, did he?—A. No.

Q. There were two Democratic managers and one Republican manager, was there not?—A. Yes.

Q. There was one Republican and one Democratic clerk?—A. Yes.

Redirect examination:

Q. Did you see the returning officer marking tickets for voters during the day?—A. Yes.

Q. Were those ballots that were not numbered counted by the managers the same as the other ballots?—A. Yes.

Q. In your judgment, was a majority of those ballots cast for Mr. Rainey or Mr. Kennamer?—A. Mr. Rainey.

Q. You have seen booths at the courthouse at previous elections, have you not?—A. Yes.

Recross-examination:

Q. The returning officer had the permission of the manager to mark the ballots, did he not?—A. I do not recollect.

Q. There was no objection made by the managers to his marking them?—A. No.

Q. Was a majority of the numbered ballots for Mr. Rainey?—A. In my judgment, they were.

C. F. CROSS.

E. L. POWELL, being examined testified:

Q. Where do you reside?—A. In West Gadsden, Etowah County, Ala.

Q. At what box in the city of Gadsden did you vote?—A. At the west Gadsden box; that is box No. 3.

Q. What position did you have at that box on that occasion—that is in the election of November the 2d, 1920?—A. I was a clerk.

Q. Was there any booths at that voting place where voters could go to mark their ballots in secret?—A. No.

Q. Was the voting place crowded or congested with people at any time during the day?—A. Not very badly except one special time.

Q. Did you notice anybody hauling people there to vote?—A. Yes; I saw a little of that.

Q. Did those drivers of the car, that brought the people there to vote, come into the voting place with the voters when they came in to mark their ballots?—A. Yes.

Q. Did you see any of those drivers assist the voters in marking their ballots?—A. Yes.

Q. Do you know the names of any of those drivers who came into the voting place to assist in marking ballots?—A. I knew one, Miss Roebuck.

Q. Do you know whether they were Republicans or Democrats?—A. They said they were Democrats.

Q. Who carried that box, Rainey or Kennamer?—A. Mr. Rainey.

Q. Is it not a fact that Mr. Rainey received 994 votes and Mr. Kennamer 226 votes at that box?—A. It is my recollection that that is about right.

Cross-examination:

Q. Mr. Powell, was the election at box No. 3 fairly conducted?—A. I think so, as far as I could see; I could see nothing against.

Q. Were you the Republican clerk?—A. I was mistaken about being a clerk at this box, I was just a watcher for the Republicans.

Q. At what place was the election held?—A. Isbell's store, a furniture store.

Q. The voters had an opportunity to mark their ballots in secret if they so desired, did they not?—A. Yes.

Q. Those drivers that the attorney for the contestant asked you about were good women of this city, were they not?—A. Yes.

Q. Do you know whether or not the voters, whose tickets they marked, requested them to mark their tickets for them?—A. I don't know whether they did or not.

Q. There was no objections made to their marking the tickets, was there?—A. No.

Q. Do you know whether they made any charge for hauling the voters there, or tried to influence their votes?—A. No.

Q. Is it not a fact that Mr. Kennamer received the largest vote at that box than at any other box in the city of Gadsden?—A. I don't know. I understand that he did.

Redirect examination:

Q. You did not hear any of the voters request the drivers to mark their tickets did you, after they got into the voting place?—A. No.

Recross-examination:

Q. Do you know whether they marked the tickets for Mr. Rainey or for Mr. Kennamer of your own knowledge?—A. I could not say positively.

E. L. POWELL.

JAMES WHITT, being examined, says:

Q. Where do you reside?—A. At West Gadsden, Etowah County, Ala.

Q. At what box did you vote in the November 2 election, 1920?—A. No. 3.

Q. Did you have any official position that day?—A. Yes; I served as clerk of the election.

Q. Was there any booths at voting place?—A. I saw none.

Q. Was the voting place at any time congested and crowded with people?—A. At times it was.

Q. Did you observe any one hauling voters to the polls?—A. Yes.

Q. Do you know who they were?—A. Mrs. Ira Kemp, Mrs. Claud Roebuck, Mrs. Harry Hopkins; those are all I remember.

Q. Did they bring the voters to the polls in automobiles?—A. Yes.

Q. Did these drivers of the cars accompany the voters into the polling place and assist in marking their tickets?—A. They accompanied them into the polling place, but I could not tell about marking the tickets; I was not in position to see.

Q. Were these drivers Democrats or Republicans?—A. They were Democrats.

Cross-examination:

Q. These women you spoke of as hauling voters to the polls were among our best women, were they not?—A. Yes.

Q. They drove their automobiles?—A. I presume they did.

Q. The voters they brought to the polls were women?—A. I did not observe any but women.

Q. The polling place was in Isbell's furniture store, was it not?—A. Yes.

Q. In your best judgment, what is the size of that store?—A. About 50 feet by 50 feet.

Q. You were the Republican clerk, were you not?—A. Yes.

JAMES WHITT.

W. J. BATTLES, being examined, says:

Q. In what precinct do you vote?—A. Clear Creek, Etowah County, Ala.

Q. Where were you on November 2, 1920?—A. Orangeburg, S. C.

Q. Did you receive from the probate judge of this county an absentee ballot?—A. I did.

Q. Did you mark that ballot and return it to the probate judge?—A. I did.

Q. Did you return it by registered mail?

(No answer.)

Q. I will ask you if this is the return receipt you received from the probate judge [showing witness a receipt]?—A. It is.

Attorney for contestant then read the receipt, which is in words and figures as follows:

"Return receipt. Received from the postmaster, the registered or insured article, the original number of which appears on the face of this card, L. L. Herzberg, signature or name of addressee, H. Ross Gilliland, signature of addressee's agent. Date of delivery, 10/27/1920."

Reading from the other side of the receipt:

"Post Office Department, official business, registered article, number 1,402, return to W. J. Battles, Orangeburg, S. C."

The receipt bore the following postmarks:

Gadsden, Ala., Oct. 27th, 4 p. m.

Orangeburg, S. C., Oct. 29th.

How did you vote that ballot?—A. Straight Republican.

Cross-examination:

Q. How long had you been out of the State?—A. Since the 15th of January, 1920.

Q. When did you pay your poll tax, or did you pay your poll tax?—A. I don't know the exact date, but I have the receipt; it was paid.

Q. Did you pay your poll tax before February 1, 1920?—A. I did.

Q. How old are you?—A. Twenty-six years old.

Q. Have you paid your poll tax every year since you became 21?—A. Yes.

Q. Did you pay them in person, or did you send the money to some one else?—

A. Part of the time I paid them myself and part of the time my father paid them.

Q. Have you got all your receipts?—A. Yes.

Q. Have you got them with you?—A. No.

Q. Where are they?—A. At home.

Q. What is your voting precinct?—A. Clear Creek beat.

Q. That is a Republican beat, is it not?—A. I don't know.

Q. Did not Mr. Kennamer get a majority there for Congress?—A. I don't know.

Redirect examination:

Q. You are a traveling salesman, are you not?—A. Yes.

Q. Your home is in Clear Creek beat, Etowah County, Ala.?—A. Yes.

W. J. BATTLES.

M. E. BATTLES, being examined, says:

Q. Are you the father of W. J. Battles?—A. Yes.

Q. Were you a manager or clerk at the Clear Creek voting precinct on November 2, 1920?—A. Clerk.

Q. Did you remain at the polling place from the time the polls opened until the votes were counted?—A. Yes.

Q. Was the absentee ballot of W. J. Battles received and counted at that box?—A. No.

Q. It was not there at all, was it?—A. No.

Cross-examination:

Q. Did you see the ballot at all?—A. No.

Q. How far is Clear Creek beat from Gadsden?—A. About 12 miles is my best judgment.

Q. How is the mail conveyed from Gadsden to Clear Creek beat?—A. Rural carrier from Attalla, Ala.

Q. How does it get from Gadsden to Attalla?—A. I don't know, but I suppose it goes on the train.

Q. Is it transferred from the train to the postoffice at Attalla?—A. I suppose it is.

Q. Then sent out from the post office by a rural carrier?—A. Yes.

Q. How far is Clear Creek from Attalla?—A. Eight miles.

Q. Is Clear Creek beat a Republican beat?—A. It voted a majority Republican.

Q. Who carried Clear Creek beat for Congress?—A. Mr. Kennamer.

Q. What was his majority?—A. Approximately 2 to 1 is my best recollection.

Q. Are you a Republican?—A. Yes.

Q. Did the Republicans have a manager at that election?—A. Yes.

Q. As clerk did you have anything to do with counting the ballots?—A. I kept tally.

Q. You did not handle the ballots, did you?—A. No.

Q. After the ballots were counted, what was done with the ballots?—A. They were placed in a large envelope and put them in the box that was sent to the sheriff's office.

Q. Was the envelope that they were put in sealed and was the box that the envelope was placed in locked?—A. Yes; the envelope was sealed and the box was locked.

Q. Did the managers put the ballots in the envelope and the envelope in the box?—A. Yes.

Redirect examination:

Q. That was a metallic box, was it not?—A. Yes.

Q. They received that box and the election blanks from the officials of Etowah County, did they not?—A. Yes.

M. E. BATTLES.

JANUARY 21, 1921.

J. J. GRIMES, being examined, testified:

Q. Do you live in Attalla, Ala.?—A. Yes.

Q. Did you vote in the election of November 2, 1920?—A. Yes.

Q. Are you a Democrat or a Republican?—A. Democrat.

Q. Did L. M. Harris register any women at your house when there was no other registrar present but himself?—A. He registered two; my wife and Mrs. Arnold.

Q. Do you know whether or not he registered Miss Georgia Arnold?—A. He did not register her at my house.

Q. Do you know where he registered Mrs. Dr. Gramlin?—A. No.

Q. Do you know where he registered Mrs. Olie Smith?—A. No.

Q. Do you know where Mrs. Clarence Talton registered?—A. No.

Q. Do you know where Mrs. Ruby Tarpley registered?—A. No.

Q. When your wife and Mrs. Arnold registered, was there any other registrar present except Mr. Harris?—A. No.

Cross-examination:

Q. What you mean by registering, is that he took the application for registering. Your wife signed the paper there, did she not?—A. Yes.

Q. How did Mr. Harris come to go to your house?—A. I went after him.

Q. What was the condition of your wife?—A. She had rheumatism in her knees and could not get down to the place of registration.

Q. Where did you find Mr. Harris when you went after him?—A. At the place of registration in the city hall in Attalla, Ala.

Q. Were the other two registrars present when you asked him to go and did they hear what you said to him?—A. I don't know whether they heard it or not; they were busy registering. I spoke to one of the other registrars, and he said they would come by there when they got through.

Q. And Mr. Harris came by your house that night when they got through registering in Attalla, with a registration blank?—A. Yes.

Q. Did your wife vote in the November election?—A. No. She could not get upstairs.

Q. What was Mrs. Arnold doing at your house?—A. She said when he did come to let her know, and she would come down there and register and not go down to the hall.

Q. Was your wife and Mrs. Arnold qualified to register?—A. In my judgment they were.

Redirect examination:

Q. When Mr. Harris registered them did he deliver a registration certificate to them?—A. Yes.

Q. Did Mrs. Arnold vote in the November election?—A. I can't be positive, but I think she did.

Q. Is Mrs. Arnold a Democrat or a Republican?—A. I don't know.

Recross-examination:

Q. Before Mr. Harris went out to your house to register your wife, was it agreed by as many as two of the registrars that he should go?

(Objections.)

A. Yes; I spoke to two of them myself.

Q. How far did you live from the registration place?—A. About one and one-half blocks.

J. J. GRIMES.

J. M. HULGAN, being examined, says:

Q. You live in Attalla, Ala.?—A. Yes.

Q. Were you a manager at box No. 2, in Attalla, at the November election, 1920?—A. Yes.

Q. Were there any booths at that box where voters could go to mark their ballots in secret?—A. No.

Q. Was the voting place congested and crowded during the day with people?—A. There was a great big open shed there, some 35 or 40 feet square, and the Red Cross people were in one corner of it; it was a rainy, bad morning, and in the morning there were more people there than any other time, and the people had to get out of the rain.

Q. What time of day did it clear up?—A. It was about 9 o'clock.

Q. Were people voting while the crowd was in there?—A. Yes.

Q. Did you see anyone try to prevent Jim O'Rear voting the Republican ticket?—A. I saw his mother and father, and I believe Mrs. Frost, try to prevent him.

Q. Was that at the time or about the time that he was endeavoring to mark his ticket?—A. It was before he was endeavoring to mark his ticket; his mother came with him to get his ticket and told him that if he voted the Republican ticket she would disinherit him.

Cross-examination:

Q. Was that election in box 2 fairly conducted?—A. I think so.

Q. Were you the Republican manager?—A. Yes.

Q. Did you or any of the managers object to the people going into the shed out of the rain?—A. No.

Q. What Mrs. O'Rear said to her son was in a joking way, was it not?—A. I could not say.

Redirect examination:

Q. After the rain stopped, did they continue to crowd around the polls?—A. Yes.

Q. Did you then object to them crowding the polling place?—A. Yes.

Recross-examination:

Q. Do you know how Mr. Jim O'Rear voted?—A. Yes.

Q. Did he vote the Republican or Democratic ticket?—A. Republican ticket.

Q. Is he still living with his father and mother?—A. Yes; I think so.

Redirect examination:

Q. Were other voters present when she threatened to disinherit him?—A. Other people were there; I do not know whether they had voted or not.

Q. Did you hear his father say anything to him; if so, what? Or to you in his presence, or in the presence of other voters?—A. I did not hear him say anything to Jim; what he said was to me. Other voters were in there when he said: Jim was in there.

Q. What did his father say?—A. Mr. O'Rear said that both Jim's grandfathers were dead, and that if they knew Jim voted the Republican ticket they would both turn over in their graves.

J. M. HULGAN.

J. C. BRASHER, being examined, testified:

Q. Do you reside in Attalla, Ala.?—A. Yes.

Q. Were you a manager at box 1 in the city of Attalla, Ala., in the election of November 2, 1920?—A. Yes.

Q. How many voting places are there in the city of Attalla?—A. Two.

Q. Was there any booths erected at box 1 where voters could go to mark their ballots in secret?—A. No.

Q. Was the voting place congested and crowded during the day with people at any time?—A. Yes; as many as 15 or 20 at some times.

Q. Did you see any ballots carried out of the voting place during the day?—A. I did not; several asked for ballots but I told them we did not have the authority to let them carry them off.

Q. Did you see anyone marking ballots during the day for voters other than election officials?—A. I don't remember that I did.

Q. Did you notice John Childers marking ballots or carrying ballots into his office during the day?—A. Yes; I remember that now; the voters carried the ballots into Childer's office and I supposed he marked them; I did not see him.

Q. Is John Childer's a Democrat or Republican?—A. I suppose he is a Democrat; I never heard of his being anything else.

Q. Was he an election official in any way?—A. Not that I know of.

Q. In your best judgment, about how many tickets were carried into his office during the day to be marked and voted?—A. I could not say exactly, but a good many; they were all women.

Q. Did that box go for Rainey or for Kennamer for Congress?—A. Rainey.

Cross-examination:

Q. Was the election in box 1 in Attalla fairly conducted?—A. I think so.

Q. Were you the Republican manager?—A. Yes.

Q. The voting was held in the city hall, the regular voting place?—A. Yes.

Q. About what size is that hall?—A. About 50 feet wide and 60 feet long.

Q. If a voter desired to mark his ballot in secret he had an opportunity to do so, did he not?—A. He could go to the table and mark it if no one was looking at him.

Q. Was there a row of tables placed in the voting place for the voters to mark their ballots on?—A. No; there was just one table.

Q. Did the majority of voters vote their tickets open?—A. Yes; I think they did.

Q. As manager did you not tell a voter or voters that if they wanted to mark their tickets in secret they could go back to that table?—A. Yes.

Q. Did you see Mr. John Stephens mark any tickets that day?—A. I think he marked a few.

Q. He is one of the leading Republicans of Attalla, is he not?—A. He is so considered.

Q. Was he a manager or clerk?—A. He was a watcher; he was neither a manager nor a clerk.

Q. He was placed there as a watcher by the Republican Party to watch for them, was he not?—A. I suppose so.

Redirect examination:

Q. The Democrats had a watcher there, too, did they not?—A. Yes; Dr. Walker. He marked more tickets than anybody, and he told me that nearly all he marked were Republicans.

Q. You did not authorize John Childers or anyone else to carry ballots out of the voting place, did you?—A. No.

Recross-examination:

Q. Were any of the tickets carried out of the building?—A. No; into another room.

Q. These were tickets that were carried in the other room by the voters and given to them by the managers?—A. Yes.

J. C. BRASHER.

Mrs. MARY ARNOLD, being examined, testified:

Q. Do you reside in Attalla, Ala.?—A. Yes.

Q. Are you the wife of J. A. Arnold?—A. Yes.

Q. Did you vote in the election of November 2, 1920?—A. Yes.

Q. Did you vote a Democratic ticket or Republican ticket?—A. Democratic.

Q. Where did you register?—A. At J. J. Grimes's house?

Q. Who registered you?—A. Mr. Harris, one of the registrars.

Q. Was there any other member of the board of registrars present when he registered you?—A. No.

Q. Did he give you a registration certificate?—A. Yes.

Cross-examination:

Q. You were qualified to register, were you not?—A. Yes.

Q. What was the condition of your health at that time?—A. It was bad; I had not been well for over a year. I was not able to go down and register.

Q. You heard Mr. Harris was going to Mr. Grimes's house and you went over there and asked him to register you?—A. I just walked to the second door and asked Mr. Harris to register me.

Redirect examination :

- Q. Did you vote at the city hall, Mrs. Arnold?—A. Yes.
 Q. Did you go to the polling place?—A. Yes.
 Q. The registrars were sitting at the city hall, were they not, at the time they were registering at Attalla?—A. Yes.
 Q. Did Mr. Harris register anyone else at the time he registered you?—A. Mrs. Grimes and myself were the only ones.

MARY ARNOLD.

JANUARY 22, 1921.

Miss BIRDIE STONE, being examined, says:

- Q. Where is your home?—A. In Etowah County, Ala.
 Q. At what place in Etowah County?—A. In Gilbert's beat.
 Q. How long have you resided there?—A. I have considered that my home since I contracted to teach that school, which was the latter part of July, 1920.
 Q. What time did you move into the beat to go to teaching school?—A. The 18th of September, 1920.
 Q. Where did you come from to that place?—A. Boaz, route No. 8, in Etowah County.
 Q. What beat in Etowah County did you live in out there?—A. I do not know the beat number or name.
 Q. When did you leave Boaz, route No. 8, Etowah County?—A. I can not exactly recall the time.
 Q. Did you come from there here, to Gilbert's beat?—A. I did.
 Q. When did you move to Boaz, R. F. D. No. 8?—A. July—the Saturday before the first Monday in July—1920.
 Q. Where did you come from to that place?—A. I had been living in Coats Bend, Etowah County, Ala.
 Q. Did you teach school there?—A. Yes.
 Q. When did you move to Coats Bend?—A. I think it was the 15th of November, 1919, or about that time.
 Q. Where did you come from to that place?—A. I came from Jacksonville, Ala.
 Q. Where does your family live?—A. I only have a brother and sister, but I do not make my home with them.
 Q. Where were you reared?—A. In Cherokee County, Ala.
 Q. When did you leave Cherokee County?—A. It was either in 1910 or 1911, is my best recollection.
 Q. Where did you go when you left Cherokee County?—A. I was in Jacksonville, Ala., in school there; after leaving there I can't now remember just where I went.
 Q. Have you any property?—A. Yes.
 Q. Is it personal property or real estate?—A. Real estate.
 Q. Where is it located?—A. At Birmingham, Ala.
 Q. What kind of property, improved or unimproved?—A. Improved.
 Q. Who resides in it?—A. It is rented; I do not know the tenant's name. I now recall that it is Mr. Smith.
 Q. Did you register in the last October registration?—A. Yes.
 Q. Did you vote in the election?—A. I did.
 Q. What precinct did you vote?—A. Gilbert's beat.
 Q. Did you vote a Democratic or a Republican ticket?—A. I voted a Democratic ticket.
 Q. When you came to Etowah County September 18, or thereabouts, where was your trunk checked from?—A. It was not checked, I don't think.
 Q. What place was it sent to?—A. It was sent to Gadsden, is my recollection. (The contestee objects to all these questions about a trunk being checked.)
- Cross-examination :
- Q. How long have you resided in Etowah County, Ala.?—A. Over two years.
 Q. You mean the last two years?—A. Yes; the last two years and over.
 Q. Were you a resident of Gilbert's beat for 90 days before the last election?—A. I considered it, that when I accepted school there, which was the latter part of July, 1920.
 Q. When did you make your verbal contract to teach the school in Gilbert's beat?—A. The best of my recollection is the last of July, 1920.

BIRDIE STONE.

H. A. MORGAN, being examined, says:

Q. Were you one of the managers at Gilbert's beat, in Etowah County, Ala., in November election, 1920?—A. Yes.

Q. Did John S. Jones vote at that election?—A. Yes.

Q. Did he come to the polling place?—A. No.

Q. How far does he live from the polling place?—A. About a half mile or a little better.

Q. Did anyone take a ballot to his house?—A. Yes; I took it.

Q. How did Mr. Jones vote? Democratic or Republican?—A. I think he voted Democratic.

Q. Did you mark his ballot?—A. No.

Q. Who did?—A. He held the pencil in his hand while some member of the family guided his hand to the place.

Q. Was that ballot deposited in the ballot box, and if so, by whom?—A. By some one of the managers; it might have been me; I do not remember.

Q. It was counted with other ballots?—A. Yes.

Q. Do you remember about what time Miss Bertie Stone moved to Gilbert's beat and began teaching school there?—A. No.

Q. Did she not come there about the 18th of September, 1920?—A. I don't remember.

Q. When was the first time you remember seeing Miss Stone?—A. At the November election.

Cross-examination:

Q. How old a man is Mr. John S. Jones?—A. Somewhere in 70 years.

Q. What is his physical condition as to his health?—A. Very bad.

Q. How long has he resided in that community?—A. Practically all his life.

Q. Is he regarded as a good citizen and a man of good character?—A. Yes.

Q. Who suggested that you take the ballot up to him?—A. Mr. Silvey.

Q. What office did he have, if any, at the election?—A. Returning officer.

Q. What does he claim to be, a Republican or Democrat?—A. He votes the Republican ticket.

Q. Was there any objection by anybody to the ballot being taken to Mr. Jones?—A. No.

Q. Did the Republicans have a watcher, and also a manager at the box; also a clerk?—A. They had a manager and clerk, but no watcher.

Q. Was it agreed that this ballot could be taken out to Mr. Jones by all the officers holding the election?—A. Yes.

Redirect examination.

Q. Did Mr. Silvey, the returning officer, vote for Rainey or for Kennamer?—A. I did not see his vote, but he told me he was going to vote for Kennamer.

H. A. MORGAN.

Mrs. TOM THURKILL, being examined, testified:

Q. Do you reside at Alabama City, Ala.?—A. Yes.

Q. What box did you vote in at the election in November, 1920?—A. No. 1.

Q. Was there anyone at the polls trying to get you to vote the Democratic ticket?—A. Yes; Lee Freibaum told me I had better vote the Democratic ticket.

Q. Were there any ladies there suggesting that the women vote the Democratic ticket?—A. Not up stairs there were none; if so I did not know it.

Q. Did anyone suggest that you would be paid any money if you would vote the Democratic ticket?—A. Mr. McFarland did; and I told him, "The devil, no," and he said, "Well, you go on and vote just as you please." He said he was joking with me.

Q. Is Mr. McFarland a Democrat or Republican?—A. A Democrat.

Q. Was Mr. Lee Freibaum a manager at the election?—A. I suppose so; he folded my ticket and put it in the ballot box.

Cross-examination:

Q. How old are you?—A. I will be 60 years old the 30th of March.

Q. Who is Mr. McFarland?—A. Just Dave McFarland is all I can tell you; a cotton mill man.

Q. Where was he when he was talking to you?—A. I was in his house.

Q. How far does he live from the place where they voted?—A. About one block or a little less.

Q. You voted the Republican ticket, did you not?—A. Yes; I did.

Q. Did not that box go Republican?—A. I don't know; but I think it did.

Mrs. M. L. (her x mark) THURKILL.

Witness:

J. S. FRANKLIN.

Mrs. LON WILLIAMS, being examined, says:

Q. You reside in Gadsden?—A. I do.

Q. Where did you vote in the election November, 1920?—A. I voted in box No. 2, Gadsden, Ala.

Q. Where did you register?—A. In Gadsden.

Q. When did you move to Etowah County, Ala.?—A. The 1st of September, 1920.

Q. From what county did you move here?—A. Marshall.

Q. Did you vote a Democratic ticket or a Republican ticket?—A. Democratic.

Q. Had you ever resided here before?—A. No; but I had owned property here for quite awhile.

Q. When did you buy your property here?—A. I bought some property here in March and some in June, 1920, is my best recollection.

Q. Did the registrars ask you any questions when they registered you?—A. I really could not say what was asked me.

Q. Did any one request you to register?—A. No one requested me.

Mrs. LON WILLIAMS.

JANUARY 26, 1921.

Mrs. MAGGIE KISSELBURG, being examined, testified:

Q. Where do you live?—A. I live on R. F. D. No. 2—out from Attalla—Etowah County, Ala.

Q. Did you register in last October when the ladies were registering?—A. Yes.

Q. Did you vote in the November election—on November 2, 1920?—A. Yes.

Q. Did you vote a Democratic or Republican ticket?—A. Democratic.

Q. How long have you resided in this State?—A. Four years.

Q. How long had you resided in this county on November 2 last—the day that you voted?—A. It was a year and one day up to the day I registered.

Q. Where did you move from to this county?—A. Chattanooga, Tenn.

Q. How long did you reside in the State of Tennessee?—A. I was born and reared in the State of Tennessee, and I resided there seven months before I moved here the last time.

Q. Where did you reside before you moved to the State of Tennessee the last time?—A. West Gadsden, Ala.

Q. When did you move to West Gadsden?—A. In March, 1917.

Q. Then you left there on the 17th of April, 1919?—A. Yes.

Q. Did you or your husband own any property in this county at the time you registered?—A. No.

Q. Do either of you own any in the State of Tennessee?—A. No.

Q. Did your husband register and vote at this election?—A. No; not at this election.

Q. Did he go back to the State of Tennessee to vote?—A. No.

Q. Did the registrars ask you any questions when you registered?—A. No; I told them that I had moved away and had been back a year and one day, and they said that would be all right. They asked me if I had moved away or had been gone on a visit and I told them that I had moved; that I moved my things away.

Q. And they said that would be all right?—A. Yes.

Cross-examination:

Q. You say you had been living in Gadsden four years?—A. Yes.

Q. And you had made this county your home for four years?—A. Yes.

Q. Was your husband a voter in this State?—A. No; he never did vote here.

Q. You say you spent just seven months in Chattanooga?—A. Yes.

Q. And you moved back to Gadsden and brought all your household things and reside in this county and have been here continuously for over a year?—A. Yes.

Redirect examination:

Q. At the time you moved back to Chattanooga you expected to make your home there?—A. Yes; that was already home; I just felt like I was going back home.

Q. Was your husband ever a voter in the State of Tennessee?—A. Yes.

Recross-examination:

Q. When you moved to Alabama you intended to make your home here, did you not, and registered in good faith?—A. Yes.

Mrs. MAGGIE KISSELBURG.

Mrs. FRANCIS ABERCROMBIE, being examined, says:

Q. Where do you live?—A. I live in Attalla, Ala.

Q. Were you born and reared in this State?—A. Yes.

Q. Did you make application to register in October, 1920?—A. Yes.

Q. Did the registrars refuse to register you?—A. Yes.

Q. You are over 21 years of age and can read and write, can you not?—A. Yes.

Q. What reason did they give for not registering you?—A. They said because I had not been in the State two years.

Q. Had you been out of the State in any other State?—A. Yes; I had been in the State of Georgia 22 years.

Q. How long had you been back in Alabama when you offered to register?—A. I had been here one year the 1st of last June—that is, June, 1920.

Q. If you had been permitted to register would you have voted a Democratic or Republican ticket?—A. A Republican ticket.

Cross-examination:

Q. You say the registrar started to register you and was putting down the answers to your questions, and when he found out that you had resided out of the State of Alabama for over two years he told you under the law he could not register you?—A. Yes.

Q. As a matter of fact, you had resided in the State of Georgia continuously for 22 years, and when you offered to register you had not been back in the State of Alabama but a little over a year?—A. Yes.

Q. Did the registrar or anybody else ask you how you were going to vote or anything about your politics?—A. No.

Q. Did you know the registrars or did they know you?—A. No.

Mrs. FRANCIS ABERCROMBIE.

F. EWING COX, being examined, says:

Q. Where do you live?—A. I live in Attalla, Etowah County, Ala.

Q. Did you vote in the election on November 2, 1920?—A. I voted in Cox's beat, Etowah County, Ala.; yes.

Q. Did you vote a Republican ticket or a Democratic ticket?—A. Democratic.

Q. In what year were you born and what month and what day of the month?—A. Eleventh day of November, 1899.

Q. Where did you register?—A. At Gadsden, Ala., in January, 1920.

Q. Did the registrars ask you any questions?—A. They asked me when I was born and how old I was.

Q. You told them the same as you told the commissioner on this examination?—A. Yes.

Cross-examination:

Q. Who did you register before?—A. Mr. S. J. Miller.

Q. What did he say to you, if anything, when you applied?—A. He said that it would be all right.

Q. You signed one of those registration applications, did you not?—A. Yes; I signed one of those blanks.

Q. Were you sworn?—A. No.

Q. Was there not an affidavit set out in the application?—A. I did not read it; I just signed it.

Q. What is your father's name?—A. Forney Cox.

Redirect examination:

Q. You told Mr. Miller how old you were when you applied to register, did you not?—A. I told him the year I was born in; I did not tell him how old I was.

Q. Did Mr. Miller advise you to register then?—A. He told me I could register if I wanted to; he did not advise me to.

F. E. Cox.

NOTICE TO TAKE DEPOSITIONS.

To L. B. RAINEY, *Contestee*:

Take notice that C. B. Kennamer, contestant, will examine the witnesses mentioned in this notice, at the time and place herein mentioned, before J. S. Franklin, a notary public and duly authorized commissioner to take the depositions of witnesses on behalf of C. B. Kennamer, contestant, and said examination will be held at the courthouse in Cherokee County on Monday, the 7th day of February, 1921, and from day to day thereafter until the examination of said witnesses is completed. The names and addresses of said witnesses are as follows:

J. W. Livingston, Mrs. J. W. Livingston, Mrs. Hoyt Morgan, Mrs. J. W. Higgins, Mrs. Hollis Hicks, Mr. J. F. Brown, W. M. Watts, L. W. Watts, all of Center, Ala.; also Vernon Starkey, of Center, Ala.; I. L. Brock, of Center, Ala. Arthur Bobo, of Collinsville, R. F. D., Ala.

Devonia Russell, E. Rux, Howells Cross Roads, Ala.

C. H. Dobbs, J. L. Edge, Sam Herron, Luther Herron, Mrs. Luke White, all of Round Mountain, Ala.

F. C. Chapman, Irvin Fuqua, Mrs. Young, all of Cedar Bluff, Ala.

Dr. Leonard Stone, J. W. Bagley, Charley Lollis, of Taff, Ala.

Mrs. Alex. Buckhalter, James Ray, of Gaylesville, Ala.

Fielden Norton, Daniel Gilmer, Dave Garvin, of Rock Run, Ala.

C. M. Baldwin, Forney, Ala.

Given under my hand this the 2d day of February, 1921.

C. R. ROBINSON,
Attorney for Contestant.

I, C. R. Robinson, attorney for C. B. Kennamer, contestant, hereby certify that I executed the above notice by serving a copy of same on Alto V. Lee, of Gadsden, Ala., attorney for L. B. Rainey, contestee, who has appeared and cross-examined witnesses for said L. B. Rainey, contestee.

Given under my hand this February 2, 1921.

C. R. ROBINSON.

STATE OF ALABAMA,

County of Cherokee:

I, J. S. Franklin, a notary public and duly authorized commissioner to take depositions for C. B. Kennamer, contestant, in the matter of the contest of the congressional election held November 2, 1920, in the seventh congressional district of Alabama, wherein L. B. Rainey was declared elected, personally appeared before me the witnesses whose names are mentioned in and who subscribed to the following depositions, after being duly sworn by me to speak the truth, deposed and stated as follows:

Present and representing C. B. Kennamer, contestant, Hon. C. R. Robinson, of Ashville, Ala.

Present and representing L. B. Rainey, contestee, Hon. Hugh Reed, attorney, of Center, Ala.

FEBRUARY 7, 1921.

Mrs. J. W. LIVINGSTON, being called, testified as follows:

Q. In what precinct in Cherokee County, Ala., do you reside?—A. Precinct No. 9.

Q. Did you register in October, 1920?—A. I did.

Q. When and where did you register?—A. I registered here in the courthouse; I do not remember the date.

Q. Are you acquainted with the registrars of this county, Mr. Mitchell and Mr. McCulough and Mr. Ward?—A. I know Mr. Mitchell and I have met Mr. Ward.

Q. Did they or either of them come to your house on or about the 23d or 24th of October, 1920?—A. No.

Q. Did the registrars come to your house and register voters along in last October?—A. No.

Mrs. J. W. LIVINGSTON.

W. M. WATTS being called, says:

Q. How long have you lived in Cherokee County, Ala.?—A. My entire life.

Q. Are you acquainted with the registrars of Cherokee County, Ala., in October, 1920?—A. I am.

Q. Were they Democrats or Republicans?—A. Democrats.

Q. Were they partisan supporters of L. B. Rainey for Congress?—A. Yes.

Q. Did you hear a conversation between Mr. T. J. Kennamer and Mr. Mitchell, one of the registrars, in October, 1920, here in Center?—A. I heard a conversation between Mr. Kennamer and Mr. Mitchell and I also heard one between Mr. Kennamer and Mr. McCulough, each separate.

(Objection.)

Q. Do you remember about what day of the month this was?—A. I think the one between Mr. McCulough and Mr. Kennamer was on or about the 24th of October, 1920.

Q. Who were the registrars of Cherokee County in October, 1920?—A. Mr. Giles McCulough, Mr. Wash Mitchell, and Mr. W. W. Ward.

Q. State what Mr. McCulough said in the conversation inquired about, about registering women the night before.

(Objection.)

A. He stated that he had registered over a hundred on the day before; he said he went up home, and on his way back he registered over 100, but, he said, I think you fellows got the advantage.

Q. Did he live in the precinct in which the courthouse is situated at that time?—A. No.

Q. Are you acquainted with the citizenship of Cherokee County?—A. Yes; reasonably so.

Q. Are you acquainted with the different precincts of the county?—A. Most of them.

Q. How many precincts did the registrars visit before the 19th of October, 1920—A. I do not know.

Q. Was there any notices given by the registrars that they would visit any of the precincts before that time?—A. No.

Q. From your knowledge of the county how many Republican women would have registered that did not register and would have voted the Republican ticket in the November election, 1920, if the registrars had visited each voting precinct or have given them a fair and reasonable opportunity to have registered?

(Objection.)

A. Between 500 and 600.

Cross-examination:

Q. This county has not given a majority for a Republican candidate for Congress for the last 20 years, has it?

(Objection.)

A. No.

Q. John Burnett, the Democratic nominee, always got a majority in this county in each of his races, did he not?

(Objection.)

A. Yes.

Q. Rainey has carried it each time since Mr. Burnett's death, has he not?

(Objection.)

A. According to the reports he did.

Q. So far as you know, was not the election here in Center beat fairly conducted?

(Objection.)

A. Yes.

Q. So far as you know, the election in last November in this entire county was conducted fairly?

(Objections.)

A. It was.

Q. Did you campaign in this county any for Mr. C. B. Kennamer in the November election, 1920?—A. I went out with the candidates three times when they went to their appointments, and I also talked for Mr. Kennamer.

Q. Who did have charge of Mr. Kennamer's campaign in this county?—A. I can't say positively who did; Mr. Tom Kennamer was here part of the time, but I do not know whether he left anybody in charge or not.

Q. Do you know how much money was spent in the campaign for Mr. Kennamer in this county?—A. I do not.

Q. Did you get any money out of it?—A. I did not.

Q. How much money did your father get out of it?—A. None that I know of.

Q. During the time the registrars were sitting at the courthouse, from the 19th of October to the 26th of October, is it not true that Kennamer had employed taxicabs or automobiles for the purpose of bringing the Republican women to the courthouse for the purpose of registering?—A. Personally, I can't say whether the taxicab drivers worked for nothing or whether they got any pay for it.

Q. You do know that Ben Brooks, Will Woodall, and Steve Doegg operated automobiles during this time and brought the women to town to register?—A. Yes.

Q. On the day of the election, is it not true that Ben Brooks, Will Woodall, and Steve Doegg operated their automobiles for hire and were paid by Kennamer, or from his campaign fund, to bring women here to Center to the poles to vote?—A. It is not true as to Mr. Doegg, but I do not know as to others.

Q. They were all three operating automobiles here for that purpose on election day, were they not?—A. Yes.

Q. That statement you heard Mr. McCulough make to Mr. Tom Kennamer about registering the hundred women, he stated he thought most of them were Republicans?—A. That is what he meant.

Redirect examination:

Q. Mr. Mitchell stated to you while the registrars were sitting at the courthouse that he and the other registrars had been going out at night and registering women, did he not?—A. Yes.

W. M. WATTS.

E. H. DOBBS, being called, testified as follows:

Q. What precinct in Cherokee County do you reside?—A. Beat No. 14.

Q. How far is that from Center, Ala.?—A. Thirteen miles.

Q. Are you acquainted with the registrars in Cherokee County, Ala.?—A. Yes.

Q. Did they or either of them visit beat No. 14 in October, 1920, for the purpose of registering women?—A. I heard they did, but I did not see them.

(Objections.)

Q. Was it a matter of common or general knowledge that they did visit that precinct?

(Objections.)

A. Yes.

Q. Did one or more visit the precinct?

(Objections.)

A. One, I suppose.

Q. When was that?—A. In my best judgment, it was between the 22d and the 24th of October.

Q. Did he come in the daytime or the night time?—A. It was at night when I heard he was there.

(Objections.)

Q. Which one of the registrars was it?—A. Mr. McCulough.

Q. Was there any notice given that he would be there before he came?—A. No.

Q. Did he visit Democratic homes or Republicans?—A. They registered at John's Schoolhouse, I suppose, which is in the north end of the beat, and it is strong Democratic.

Q. Did they notify any of your near neighbors?—A. They notified my nearest neighbor, Mr. S. D. Denton.

Q. How far did he live from your home?—A. About one-fourth of a mile.

Q. Is he a Democrat or a Republican?—A. A Democrat.

Q. What is your politics?—A. I voted the Republican ticket for national officers.

Q. Do you know whether or not any of the women of your beat registered by mail?—A. Only by hearsay.

Q. Are you well acquainted with the people of your precinct and their politics?

(Objections.)

A. Fairly well.

Q. How many Republican women in your precinct, in your opinion, would have registered and voted the Republican ticket in the November election, 1920, if they had had a fair and reasonable opportunity to have registered?

(Objections.)

A. Some six or eight.

Q. Were you a watcher up there in your precinct?—A. Yes.

Q. Do you know a Mrs. Chisholm?—A. I never knew her until the day of the election.

Q. How long had she lived in that precinct?—A. I don't think she ever lived there.

Q. Did she vote in the election?—A. Yes.

Q. Was she a Democrat or a Republican?—A. Democrat.

Cross-examination:

Q. What Mrs. Chisholm was this?—A. A Mrs. Chisholm from Lookout Mountain; said to be a widow, I don't recall her name.

Q. How do you know she voted a Democratic ticket?—A. I am familiar with the votes of 14, but I did not see her ballot.

Q. It is your opinion or judgment that she voted a Democratic ticket?—A. Yes.

Q. Outside of that, was the election fairly conducted at that box?—A. I think so.

Q. Do you remember how many votes Kennamer and Rainey each got at that box?—A. My recollection is Mr. Rainey got 93 and Kennamer got 33.

Q. All you know about the registrars visiting the beat is what you heard?—A. Yes.

E. H. DOBBS.

Dr. LEONARD STONE, being called, testified as follows:

Q. Where do you live?—A. Beat No. 21, Cherokee County, Ala.

Q. How far from Center, Ala.?—A. Seventeen miles.

Q. Did anyone come to your place and register women or take applications for the registration of women on October, 1920?—A. Yes.

Q. About what time of the month was it?—A. Some time about the 24th or 25th of October.

Q. Who was it?—A. Mr. John Daniel and T. Y. Daniel.

Q. How many applications did they take?—A. Five.

Q. They were not registrars of this county were they?—A. No.

Q. Were they Democrats or Republicans?—A. I do not know; they claim to be Democrats.

Cross-examination:

Q. Had you requested the registrars to come there?

(Objection.)

A. Yes.

Q. Who did you make the request to?—A. Mr. John Daniel.

Q. He had been for years previous to this time, and up to October, 1920, the registrar for this county had he not?

(Objections.)

A. Yes.

Q. Whose applications did they receive?—A. My wife, Mrs. Bagley, and Aunt Catherine Webb, and Wanie Taff; there were only four instead of five.

Q. What was their condition with reference to being able to come to the courthouse at that time?

(Objections.)

A. Mrs. Webb was old and my wife was pregnant and not able to come, is the reason I made the request. The other two, so far as I know, were able.

Q. They did not deliver the registration certificates did they?—A. No.

Q. Where did you get the certificates?—A. Mr. Daniel brought them to me just before election day.

Q. These applications were returned and the board passed on them before the certificates were issued, were they not?—A. Yes.

Q. The certificates were signed by the board of registrars, were they not?—A. Yes.

Q. Each of these four women signed the written application form prescribed by the State?—A. Yes.

Redirect examination:

Q. Neither one of the ladies mentioned went or appeared before the registrars, did they?—A. No.

Q. Were they Democrats or Republicans?—A. They were supposed to be Democrats.

DR. LEONARD STONE.

ARTHUR BOBO, being called, says:

Q. In what precinct in Cherokee County do you live?—A. Nineteenth.

Q. Do you remember starting to Center, Ala., with four ladies to have them registered in October, 1920?

(Objection.)

A. Yes.

Q. State what Mr. Mitchell, one of the registrars, said with reference to registering the four ladies.

(Objection.)

A. I started with four ladies to Center, and it began raining after I left home; right on the other side of Round Mountain I passed Mr. Mitchell, and came on over to Round Mountain and waited for him and asked him why he could not register the women there; that the river banks were slick and that I was afraid to start down the banks with my car; he said he had Mr. McCullough in the car with him and if I would bring him on over to Center that he would register the women there at Round Mountain.

Q. Who were the ladies?—A. Mr. Mike Beck's wife, Henry Crawford's wife, and I don't remember who the other women were; I think they said one of them was a Mrs. Yarbrough.

Q. What is your politics?—A. I vote a Democratic ticket.

Q. You were bringing Democratic women to register were you not?

(Objection.)

A. I do not know if I was. I did not know their politics.

Cross-examination:

Q. There were two of the registrars present, Mr. Mitchell and Mr. McCullough, when they agreed to register these women?—A. Yes.

Q. Is it not true that these women's husbands are Republicans in politics?—A. I do not know.

Q. You requested the registrars to register these women there?—A. Yes.

Redirect examination:

Q. These women did not sign any application blanks for registration there in your presence, did they?—A. No.

Recross-examination:

Q. You don't know whether, in fact, they registered or not, do you?—A. No; I let them out of my car there and Mr. McCullough got in my car; they got in Mr. Mitchell's car and went on over to the store, and, as I came back, I picked them up and they said they had registered.

ARTHUR BOBO.

F. C. CHAPMAN, being called, says:

Q. In what precinct in Cherokee County, Ala., do you reside?—A. Precinct No. 1.

Q. Did you register October, 1920?—A. Yes.

Q. Where?—A. At the courthouse.

Q. Did you vote in the November, 1920, election?—A. Yes.

Q. Are you a Democrat or a Republican?—A. I voted a Democratic ticket.

Cross-examination:

Q. You were in the service during the late war, were you not?—A. Yes.

Q. When did you enter the service?—A. September the 3d, 1918.

Q. How long did you remain in the service?—A. Four and one-half months.

F. C. CHAPMAN.

J. F. BROWN, being examined, says:

Q. Where do you live?—A. Center, Cherokee County, Ala.

Q. What office do you hold in this county?—A. Circuit court clerk.

Q. How long have you held that office?—A. Four years.

Q. What is your politics?—A. I am a Democrat.

Q. During the registration of women in October, 1920, about how many applications did you take for registration of women?—A. I assisted the registrars in taking applications most every day they were here—when they were crowded.

Q. How many places did you visit?—A. I went to one place in beat No. 4 and one place in beat No. 2.

Q. To what places did you go in these beats?—A. I went to one place, about 2 miles north of Spring Garden in beat No. 4, and I went to Rock Run in beat No. 2.

Q. At whose house did you go in beat No. 4?—A. The first house was Lake Acker's; next was a Mr. Williams's—he lived on Acker's place or near his home; then, I visited a Mr. Sanifer.

Q. About what time was this?—A. It was three or four days before registration was closed.

Q. Was it between the 19th and 26th of October, 1920?—A. It was.

Q. How many applications did you take and register in beat No. 4?—A. Three are all I remember.

Q. Was this in the daytime or night?—A. It was getting late in the day.

Q. Did you take any applications on your way up there?—A. No.

Q. Did you go up there for the purpose of taking the applications of these parties?—A. Yes.

Q. Did any other persons come to either of these houses for the purpose of giving you their applications while you were there?—A. No.

Q. Did these three persons whose applications for registration you took appear before the registrars in person?—A. I do not know.

Q. What did you do with their applications?—A. They were turned over to the registrars.

Q. When?—A. They were turned over immediately after my return home—some time the following morning.

Q. Did the registrars issue a certificate of registration?—A. They did.

Q. And delivered them to you?—A. No.

Q. What did they do with them?—A. I do not know.

Q. Is it not a fact that they were mailed back to the parties?—A. I don't know that they were.

Q. Were these women reputed to be Democrats or Republicans?—A. That was not questioned.

Q. In your opinion, were they Democrats or Republicans?—A. My opinion is that at least two of them were Democrats.

Q. Did you give any notice that you would be in that community on that occasion for the purpose of taking applications?—A. I did not give notice, but they were notified that some one would be there.

Q. Who was notified in that community that some one would be there?—A. I don't know any one in particular; I was told to go to these places.

Q. Who told you to go to these places?—A. Mr. Earl Ellis.

Q. Is Mr. Earl Ellis a Democrat or a Republican?—A. He was nominated on the Democratic ticket for commissioner of Cherokee County.

Q. Did he tell you to go anywhere else to register women?—A. He told me to go to Rock Run; that he had some sisters there he wanted to register, but he thought they had a way to come down next day; but, if they could not come, to take their applications.

Q. Did you go to Rock Run for the purpose of registering women?—A. I did.

Q. Was that between the 19th of October and the 26th of October, 1920?—A. It was.

Q. To what place did you go in Rock Run, in beat No. 2?—A. I first went to the home of Mr. Garvin Norton, John Johnson, J. L. Brown, W. E. Johnson, J. L. Johnson, G. W. Rutherford; I believe that is all the homes I visited there.

Q. Was that in the daytime or night?—A. Daytime. I got there in the daytime, but it was night when I got through.

Q. What time in the day did you get there?—A. I could not say just the time, but it was before sundown.

Q. About what time did you get through taking applications that night?—A. It was before 7 o'clock p. m.

Q. Did you give any notice that you would be in that community on that date for the purpose of taking applications for registration?—A. I did not.

Q. How many applications at Mr. Norton's did you take?—A. I did not take any; Mrs. Norton said she had a way and would come down the next day.

Q. How many applications did you take at Mr. John Johnson's?—A. One.

Q. How many did you take at Mr. J. L. Brown's?—A. Two.

Q. Who were they?—A. Mrs. J. L. Brown and a young man by the name of Rutherford.

Q. What did you do with their applications?—A. I turned them over to the registrars the following day.

Q. Did the registrars issue registration certificates on those applications?—A. They did.

Q. What did they do with them?—A. They gave them to me and I mailed them to the parties.

Q. Neither Mrs. Brown nor Mr. Rutherford appeared before the registrars in person, did they?—A. Not to my knowledge.

Q. Did they vote at the election on November 2, 1920?—A. I do not know.

Q. Were they reputed to be Democrats or Republicans?—A. Mrs. J. L. Brown is a Republican, dyed in the wool; as to Mr. Rutherford, I think he was a Democrat.

Q. How many applications did you take at Mr. W. E. Johnson's?—A. One.

Q. What did you do with that application?—A. I turned it over to the registrars the following day.

Q. Did the registrars issue a certificate on that application?—A. They did.

Q. What became of that certificate?—A. I mailed it to the party.

Q. How many applications did you take at Mr. J. L. Johnson's?—A. One.

Q. What became of that application?—I treated it in like manner.

Q. How many applications did you take at Mr. G. W. Rutherford's?—A. Three.

Q. What became of them?—A. They were treated in like manner.

Q. Did you take any other applications at any other place in Cherokee County?—A. Yes.

Q. Where?—A. One mile north of Rock Run, I took two on this same trip.

Q. What was done with those applications?—A. I turned them over to the registrars and mailed their certificates back.

Q. At what other place or places did you take applications?—A. I took one at J. E. Webb's store.

Q. What became of that application?—A. I turned it over to the registrars and the party called for the certificate.

Q. About how many applications did you take in Cherokee County of women during the registration in October, 1920?—A. I have no idea; I might be safe in saying as many as 100.

Q. You was a supporter of Capt. Rainey in his race for Congress, were you not?—A. Yes.

Q. Who besides yourself, if you know, other than the registrars, took applications in this county?—A. I don't know of anyone going out and taking them.

Cross-examination:

Q. You had an office here in the courthouse during the time the registrars sat here for the purpose of registering women, did you not?—A. I did.

Q. The registrars called on you on nearly every day when they were crowded to assist them in taking applications, did they not?—A. They did.

Q. In that you were acting merely as a clerk of the board to assist them, were you not?—A. I was.

Q. These applications that you took in beats No. 2 and No. 4 and at John Webb's store were each signed by the applicants, were they not?—A. They were.

Q. They were each signed before you, the clerk of the circuit court, were they not?—A. They were.

Q. You did not issue any certificates, and had nothing to do with issuing them, did you?—A. I did not.

Q. Did you or not undertake to ascertain the politics of the applicants before taking their applications?—A. I did not.

Q. As a matter of fact, a number of those you took in No. 2 and No. 4 were Republicans, were they not?—A. I know a number of them were from Republican families.

Q. Before going out to take these applications, did you say anything to the board of registrars about going out to take applications?—A. I did; and went out under their directions.

Q. The registration supplies were not received here until a way late were they?

(Objections.)

A. They were not.

Q. The registration supplies were not received in time for the registrars to make a canvass of the beats were they?—A. They were received so late that it was impossible to visit each beat.

Q. Is it not true that the registrars did everything that they could have done to afford an opportunity for all the women to register after the supplies were received?—A. I believe they did everything they could.

Q. In your connection with the board of registrars was there anything done by them to prevent any person from registering on account of their political views?—A. There was not.

Q. State in your judgment whether or not about all the women qualified to register did actually register?—A. I believe that all the Republican women did; but I do not think all the Democratic women did.

Redirect examination:

Q. Before the 19th of October, 1920, did the registrars of this county visit any precincts in the county for the purpose of registering voters?—A. My recollection is that they published in the paper that they would visit Sand Rock in beat No. 11, and Broomtown in beat No. 15, and Spring Garden in beat No. 4.

Q. Had these beats in previous elections been Democratic or Republican?—A. The records show that there has been about as many Republican votes cast there in the past three years as Democratic.

Q. Prior to that time had they been Democratic or Republican?—A. I would think that beat No. 4 has gone Democratic prior to this time. I don't know so much about the other beats, but I think they have been divided.

Q. Did they visit a single known Republican precinct prior to the 19th day of October, 1920, for the purpose of registering?—A. They did not, because these Republican precincts were near the county seat.

(Objection to the latter part of the answer.)

Q. How many applications did you take in your office in the courthouse for registration?—A. I took two or three that I remember.

Q. What did you do with those applications?—A. I turned them over to the registrars.

Q. Did the registrars issue certificates on them?—A. I suppose they did.

Q. The registrars were not present when you took these applications, were they?—A. They were upstairs in the courthouse.

Recross-examination:

Q. These applications you took in your office were Republicans, were they not?—A. Yes.

Q. The wife and daughter of Charley Dobbs, who testified here this morning?—A. Yes.

Q. Sand Rock, Broomtown, and Spring Garden are each centers of population that are farthest from the county seat, are they not?—A. Yes.

Q. Beat No. 15 went for Mr. Kennamer in the last election, did it not?—A. I think it did by 2 votes.

Q. Do you remember how Spring Garden went in the election November, 1920?—A. I don't remember the figures; but I think it was close.

Q. Did you at any time see any indication on the part of the board of registrars to deprive any Republican women from registering?—A. I did not.

JOHN F. BROWN.

W. M. WATTS, being recalled by the contestee for further cross-examination, testified as follows:

Q. On your direct examination you said that there were 500 or 600 women who would have registered and voted the Republican ticket in November, 1920, if they had been given a fair and reasonable opportunity to register. Now, tell us where those women are.—A. I said that was the best of my judgment; and now I believe that, beginning beyond Sand Rock to the county line, and extending entirely around the county to beat No. 7½. I think that within that radius, it being such a distance, that there were that many who did not register.

Q. How many women can you name in the county who would have registered and voted the Republican ticket had they been given a reasonable opportunity to do so?—A. Just at present I am unable to name any, but these reports that came to me from these various beats complain that they had had no chance to register is why I made my statement.

Q. Can you name a dozen women in the county who would have registered and voted the Republican ticket had they been given the opportunity?—A. Just at this time I can not.

Q. You stated something about reports; how did you receive these reports and from whom?—A. In various ways; some would send word by different parties. For instance, I did not get to see all the parties for I was at work with the carpenters on a building part of the time.

Q. Then you base your judgment as to the number of Republican women who would have registered and voted the Republican ticket on the report you received in various ways and not on your personal knowledge as to the politics of the women inquired about?—A. Yes; and further, partially, from an estimate. The number of women registered by the registrars show to be 1,637; the average vote cast by both parties in the county in the male vote is about 2,400; my honest opinion is that every Democratic woman that was able registered. This would leave us something like 600 short on our registration. Basing a vote on the registration and prior elections.

Q. Your estimate is made up wholly as you have stated above and not on personal knowledge of the political affiliations of the unregistered women, is it not?—A. Yes.

W. M. WATTS.

TUESDAY, FEBRUARY 8, 1921.

FIELDEN NORTON, being examined, says:

Q. In what precinct in Cherokee County, Ala., do you reside?—A. Beat No. 2.

Q. How far is that from Center, Ala.?—A. Sixteen miles.

Q. Did the registrars or anyone representing them come to your precinct or neighborhood for the purpose of registering women in October, 1920?—A. I understand there was.

Q. Who do you understand it was?—A. John Brown.

Q. Who is John Brown?—A. Clerk of the circuit court.

Q. Did he come to your house?—A. No.

Q. Did he come near your house?—A. About 20 yards from my house.

Q. At whose place did he come?—A. To John Johnson's.

Q. Is Mr. Johnson a Democrat or a Republican?—A. Democrat.

Q. What is your politics?—A. Republican.

Q. Did you or any other Republican that you know of have any notice that he would be in your precinct or neighborhood for the purpose of registering women?—A. No.

Q. When did you ascertain that he had been there?—A. The following morning.

Q. Was he in that community registering women in the daytime or in the night?—A. At night.

Cross-examination:

Q. Your women folks registered and voted in the election last November, did they not?—A. Yes.

Q. Where did your women folks register?—A. Here at Center.

Q. How did they get to Center?—A. I sent them over in my Ford car.

Q. You live at Rock Run?—A. Yes.

Q. You did not see Mr. Brown up there at all?—A. No.

Q. You don't know what time of day he got there?—A. It was not day; it was night.

Q. If you did not see him how do you know it was night?—A. I did not see him at all; I do not know of my own knowledge that he was there.

Q. He has a brother living there does he not?—A. Yes.

Q. You know Mrs. J. L. Brown, do you not?—A. Yes.

Q. She is a Republican, is she not?—A. I do not know what her politics are.

Q. You know Mr. Garvin Norton?—A. Yes.

Q. Do you know what his politics is?—A. He is a Republican.

Q. Do you know W. E. Johnson and J. L. Johnson?—A. Yes.

Q. Do you know what their politics is?—A. Democrats.

Q. Mr. Brown took application of Garvin Norton's wife for registration, did he not?—A. I do not know.

Q. She voted the Republican ticket, did she not?—A. I do not know, but I do not think she did.

Redirect examination:

Q. When did your wife register, after or before Mr. Brown was in that community?—A. She registered the next day after he was there; she registered at Center.

Q. Is it your information or knowledge that Mr. Brown took applications of Republican women or Democratic women at night?

(Objections.)

A. Democratic.

FIELDEN (his X mark) NORTON.

Witness:

J. S. FRANKLIN.

C. VERNON STARKEY, being called, says:

Q. Where do you live?—A. Center, Cherokee County, Ala.

Q. How many applications for registration of women did you take in October, 1920?—A. One; and the lady was my wife who lived in beat No. 6, in this county.

Q. What did you do with this application?—A. I brought it to the board of registrars.

Q. Did they issue a certificate on that application?—A. They did.

Q. What did they do with the certificate of registration?—A. They gave it to me.

Q. You delivered it to your wife?—A. I did.

Q. Your wife did not appear before the registrars in person?—A. She did not; she was sick.

Q. What is your politics?—A. I am a Democrat and so is my wife.

Q. She voted the Democratic ticket?—A. She did, so far as I know.

Q. Your wife's application is the only one that you took from anyone in Cherokee County, Ala.?—A. It is.

Cross-examination:

Q. Where was your wife at the time you took the application?—A. She was at her father's, in beat 9, in this county.

Q. What was the matter with her?—A. She had been confined and had given birth to a child and was in bed.

Q. What, if anything, did you say to the board of registrars with reference to registering her?

(Objections.)

A. I asked them if they were going to get over into beat 9 to register the ladies there, and told the condition that my wife was in; that she would be unable to come here and register in her own beat, and they said that they would not be able to get over there, but would give me one of the application blanks and I might take it and have her fill it out and bring it to them.

Q. You did as they told you?—A. I did.

C. VERNON STARKEY.

J. W. BAGLEY, being called, testified as follows:

Q. In what precinct in Cherokee County, Ala., do you reside?—A. Twenty-one.

Q. Did you know the registrars of Cherokee County in October, 1920?—A. I knew two of them; Mr. McCulough and Mr. Mitchell.

Q. Did they come to your precinct in October, 1920, for the purpose of registering voters?—A. I don't know whether they did or not.

Q. Did anyone come there for the purpose of registering voters?—A. Yes.

Q. Who was it?—A. Mr. Earl Daniel; I think his name is Earl; he is Mr. John Daniel's boy.

Q. What time in October did he come there?—A. I could not tell without referring to the receipt.

Q. To refresh your recollection was it not on the 25th?—A. Yes.

Q. To what place did he go?—A. He was at Dr. Stone's.

Q. Did your wife register before him?—A. Yes.

Q. Were you present the night your wife registered at Dr. Stone's?—A. Yes.

Q. Did they deliver a registration certificate to your wife that night?—A. No; it was sent to her later.

Q. Did your wife go before the board of registrars of Cherokee County, Ala., in person and make application to register?—A. No.

Q. From your information and knowledge, how many women, or voters, made application for registration before Mr. Daniels at the time that your wife made application to register? At Dr. Stone's residence?

(Objections.)

A. Three or four.

Q. What is your wife's politics, Democrat or Republican?—A. She is a Democrat, and I think she voted a Democratic ticket.

Q. Were the other ladies you speak of Democrats or Republicans?—A. I do not know, but I suppose they are Democrats; that is what they are reputed to be.

Q. Was this registration of Mr. Daniels in the daytime or in the night?—A. It was a little while after dark.

Q. Was there any published notice, either in newspaper or by circulars, given by Mr. Daniels, or the registrars, that he would be at Dr. Stone's for the purpose of taking applications for registering voters, in your knowledge?—

A. I never saw any; I do not take the county papers and I did not see any circulars.

Cross-examination:

Q. All that Daniel did there at Dr. Stone's was to have the women sign the application for registration, was it not?—A. Yes.

Q. These applications were returned to the board of registrars and the certificates sent back to them, were they not?

(Objections.)

A. Yes.

Q. At whose request did Daniel come to Dr. Stone's for the purpose of taking the applications?—A. I do not know.

Q. Dr. Stone's wife was sick about that time, was she not?—A. I can not say.

J. W. BAGLEY.

I. L. BROCK, being called, says:

Q. Where do you reside?—A. In Center, Cherokee County, Ala.

Q. What office do you hold, if any?—A. Register of the circuit court.

Q. Did you take any applications for the registration of voters in October, 1920, in Cherokee County, Ala.?—A. I did not.

Q. Did you go to Round Mountain to assist in registration?—A. I did not?

Q. Applications were sworn to before you?—A. Not a one; I was out of the county during the entire time of registration of women.

Cross-examination:

Q. You been in politics in this county right actively for the past 20 years, have you not?—A. Yes; I have taken a right active part in local politics.

Q. State whether or not in your judgment approximately all the women qualified to register in this county did, in fact, register?—A. Reports to that effect reached me. My information was that the Republican women were registering very closely.

Q. You are a brother-in-law to Mr. Ward, one of the registrars, are you not?—A. Yes.

Q. You are well acquainted with the other two members of the board also, are you not?—A. Yes.

Q. From your knowledge of these men, state whether or not they would have deprived any person of the right or opportunity to have registered on account of their political affiliation?

(Objections.)

A. Knowing these men as I do, I do not believe that either one of them is capable of doing such a thing.

Q. You mean to say, then, that they would not deprive anyone of the right to register on account of their political affiliation?

(Objections.)

A. Yes, sir; I do.

Redirect examination:

Q. About how many male registered voters were there in Cherokee County, Ala., in October, 1920?—A. I don't remember.

Q. Is it not a fact that there were something like 2,300 or 2,400 registered male voters in Cherokee County, about that time?—A. I would think that there were that many, but I don't know.

Q. Is it not the fact that there were between 1,600 and 1,700 female voters that registered in October, 1920?—A. I don't know.

Q. If there were not more than 1,600 or 1,700 females that registered in October, 1920, is it not a fact that if there is 2,300 or 2,400 male voters registered in this county, that there would be some 500 or 600 females that did not register in this county, in October, 1920?

(Objections.)

A. I have not thought of that and do not know what the census shows, and don't know whether the males and females are equally numbered or not.

Q. From your knowledge of the county, what is your judgment as to the relative number of males and females in the county?

(Objections.)

A. I have never been engaged in anything that would give me any knowledge as to that, and would not want to go on record as saying.

I. L. BROCK.

SAM HERRON, being called, testified as follows:

Q. In what precinct in Cherokee County do you reside?—A. Beat No. 14.

Q. Did you know the registrars of this county in October, 1920?—A. I knew two of them, Mr. McCulough and Mr. Ward.

Q. Did they or either of them come to your precinct for the purpose of registering voters in October, 1920, at night?—A. Yes.

Q. Was it while they were sitting at the courthouse in Center, during the daytime?—A. I could not say, but it is my best recollection that it was.

Q. Were they in the daytime or in the night?—A. It was at night.

Q. At what place did they come to?—A. At Johns Schoolhouse.

Q. Was there any notice given either by publication in the newspaper or by circular that they would be at Johns Schoolhouse on the night mentioned for the purpose of registering voters, in your knowledge?—A. None that I know of.

Q. About what time of night, if you know, did they get there?—A. Considerably after night.

Q. About how many voters did they register at that place that night?—A. Between 12 and 15.

Q. Were they Democratic women or Republican women that they registered?—A. Democratic, so far as I know.

Q. Did you see any Republican women there that night that you know of?—A. No.

Q. This was while the registrars were sitting at the courthouse and between the 19th and 26th of October, 1920, is your best judgment, is it not?—A. Yes.

Cross-examination:

Q. Did some of your womenfolks register there at that time?—A. No.

Q. Were you present at the schoolhouse that night?—A. Yes.

Q. Can you name the ones that registered there that night?—A. I can name some of them. Mr. Joe Daniels's wife, Hubbard Tucker's wife, Mr. Alex. Miller's wife, I think, J. D. McDonald's wife, I think John M. Daniels's wife; these are about all I can recall.

Q. Two of the registrars were there, were they not?—A. Yes.

Q. Mr. McCulough and Mr. Ward?—A. Yes.

Q. What is your politics?—A. I claim to be a Democrat.

Q. Do you know of any Republican women up there that failed to register?—A. No; there are not but a few Republicans in our settlement.

Q. Do you know of any Republican women in the beat that failed to register?—A. No.

Redirect examination:

Q. About how many Republicans are there in your precinct?—A. I don't think there are but three or four.

Q. Do you know whether they registered or not?—A. I don't know.

S. L. HERRON.

Mrs. EVALINE YOUNG, being called, testified as follows:

Q. What precinct in Cherokee County, Ala., do you reside?—A. Beat No. 1.

Q. Did you register and vote in the November election, 1920?—A. No.

Q. Did you make application to the registrars of Cherokee County, Ala., in October, 1920, to register as a voter?—A. Yes.

Q. Did they refuse to register you?—A. They refused to let me register because I could not write my name.

Q. What kind of an affidavit, if any, did they ask you to make?—A. I think they just asked me to make an affidavit to my name; to the best of my recollection.

Q. What is your age?—A. If there is no mistake, I will be 76 the 11th of April, 1921.

Q. Are you a widow?—A. Yes.

Q. What is your politics?—A. I guess I would have to be a Republican.

Q. What was your husband's politics, Democrat or Republican?

(Objection.)

A. Republican.

Q. If you had been permitted to register, would you have voted in the November election, 1920?—A. Yes.

Q. Would you have voted the Republican or a Democratic ticket?—A. Republican.

Q. Are you the widow of a soldier?

(Objection.)

A. Yes.

Q. A Confederate soldier or a Federal soldier?

(Objection.)

A. Federal soldier.

Q. Do you live with your son?—A. Yes.

Q. Did you and your son own \$300 worth of property at the time you offered to register?

(Objection.)

A. My son did; I did not.

Q. Are you a white woman or colored?—A. White.

Q. Do you know of any women in Cherokee County, Ala., that could not read and write and did not own any property like yourself, that registered in November, 1920?—A. No; not that I now recall.

Q. Do you know of any women other than yourself that were registered that could not read and write?

(Objections.)

A. Yes.

Cross-examination:

Q. These other women that could not read and write were Republicans, were they not?—A. I think so.

Q. Who were they?—A. (Witness says that she had rather not disclose the names.)

Q. Their husbands had \$300 worth of property, did they not?—A. I think they owned some property.

Q. Do you know of any other Republican woman in your neighborhood who failed to register?—A. No.

Q. You stated that you did not own \$300 worth of personal property yourself, did you not?—A. Yes.

Q. You did not tell the registrars what your politics was when you applied to register, did you?—A. No; they did not ask me.

Q. You can't read and write, can you?—A. No.

Q. How long has your husband been dead?—A. Nearly 42 years.

Q. You say you guess that you would be a Republican; have you really any political convictions of your own?—A. No.

Q. Would you have voted in last November election had you registered?—A. I guess I would, inasmuch as the other ladies were all voting.

Q. You are opposed to women voting, anyway, are you not?—A. No; not if it will be any benefit to the world.

Mrs. EVALINE (her x mark) YOUNG.

Witness:

J. S. FRANKLIN.

NOTICES TO TAKE DEPOSITIONS.

FEBRUARY 2, 1921.

To Hon. L. B. RAINEY, or to

ALTO LEE, *Attorney for L. B. Rainey:*

Take notice that the following witnesses will be examined and their depositions taken in behalf of the contestant, C. B. Kennamer, at the following times and places:

At Boaz, Marshall County, Ala., on February 11, and from day to day until all of said witnesses are examined. This examination to be had before Joseph S. Franklin, notary public and duly authorized commissioner to take such depositions:

J. A. Roberson, Mrs. Cora Walker, Mrs. Jane Lafolette, Mrs. John Sewell, Boaz, R. F. D. No. 8, Ala.; N. S. Walker, Miss Lou Michael, Mrs. Costner, Walnut Grove, route No. 1, Ala.; Rev. P. W. Lett, Mrs. P. W. Lett, Mrs. C. D. Wright, Boaz, Ala.; T. J. Brown, Boaz, R. F. D. No. 6, Ala.; J. D. Pruett, Boaz, Ala.; A. J. Roberts, Boaz, R. F. D. No. 6, Ala.; Max Byars, W. W. Creel, Boaz, Ala.; T. B. McNaron, Attalla, Ala.; J. Will Daniel, Albertville, Ala.; Charles McNaron, Horton, Ala.

C. B. KENNAMER, *Contestant.*THOS. H. STEPHENS, *Attorney.*

Copy hereof handed to A. V. Lee this 4th day of February, 1921.

THOS. H. STEPHENS,

Attorney for Contestant.

FEBRUARY 2, 1921.

To Hon. L. B. RAINEY, or to

ALTO LEE, *Attorney for L. B. Rainey:*

Take notice that the following witnesses will be examined and their depositions taken in behalf of the contestant, C. B. Kennamer, at the following times and places:

At Guntersville, Marshall County, on February 9, and from day to day until all of said witnesses are examined:

Mrs. Myrtle Hodges, Mrs. Mary Hodges, Miss Lillie Hodges, Mrs. Emma Carter, Miss Emma Ward, Miss Julia Ward, Mrs. Fannie Stanfield, Miss Birdie Bevell, Mrs. Claudie Bevell, Mrs. Cora May, Mrs. Magnola May, Mrs. Ola Edwards, Mrs. Lyda Thomas, Miss Ines Thomas, Mrs. Kate Johnson, Mrs. Ora Patterson, all of Langston, route No. 1, Ala.; Luther L. Poarch, John Chastain, Miss Addie Lou King, Arab, R. F. D. No. 1, Ala.; F. W. Harrison, Burton Smith, Albertville, R. F. D. No. 2, Ala.; Wilburn Aldridge, Guntersville, Ala.; Mrs. Rosa Smith, Albertville, R. F. D. No. 2, Ala.; W. W. Poarch, I. B. Hyde, George Roberts, W. T. Solley, Guntersville, Ala.

And the following witnesses at Guntersville, Ala., on February 10, and from day to day until all of said witnesses are examined:

Olie Johnson, Mrs. Olie Johnson, Union Grove, Ala.; Mrs. Mitch Jones, Mrs. Bub King, Mrs. Haden Bagwell, Mrs. A. N. King, Mrs. W. H. Jones, Mrs. Pearley Rhinehart, Mrs. Mattie Ellenberg, Mrs. Lewis Cox, Arab, R. F. D. No. 1, Ala.; Mrs. C. W. Harper, Guntersville, R. F. D. No. 4, Ala.; Mrs. Joe Isdell, Miss Clara Isdell, Mrs. Mollie Isdell, Albertville, R. F. D., Ala.; Mr. Nathan Sims, Sam Wiles, Luther Long, Talmadge Long, Gordon Gilbreath (probate judge), W. C. Rayburn, J. E. Nix, E. O. Creel, Rev. F. M. Barnes, Guntersville, Ala.; R. Lee Barnes, R. F. D., Albertville, Ala.; J. W. Shumate, Guntersville, Ala.

C. B. KENNAMER, *Contestant.*

This examination will be had before Joseph S. Franklin, notary public and duly authorized commissioner.

Executed by giving A. V. Lee a copy of the within this 5th day of February, 1921.

THOS. H. STEPHENS,

Attorney for Contestant.

To L. B. RAINEY or to

ALTO LEE, *Attorney for L. B. Rainey:*

You will take notice that it is the purpose of the contestant, C. B. Kennamer, to examine and take the depositions of the following witnesses at the following

times and places, all of said examinations to be had before Joseph S. Franklin, duly authorized commissioner:

Witnesses: Mrs. Edd Eason, of Boaz, R. F. D. No. 5, Ala.; Mrs. Renna Land, of Boaz, Ala.; both to be examined at Boaz, Ala., at the office of Dr. W. E. Noel, February 11, 1921. T. J. Brown, of Boaz, R. F. D. No. 6, to be examined at Guntersville, Ala., at the courthouse February 9, and from day to day.

C. B. KENNAMER.

Executed by giving A. V. Lee a copy this 5th day of February 1921.

THOS. H. STEPHENS,
Attorney for Contestant.

FEBRUARY 7, 1921.

To L. B. RAINEY or to

ALTO LEE, *Attorney for L. B. Rainey:*

In the matter of the contest of C. B. Kennamer *v.* L. B. Rainey you will take notice that Contestant C. B. Kennamer expects to examine Mr. Curtis Russell before J. S. Franklin, duly designated commissioner, said examination to be at Guntersville, Ala., on Thursday, February 10, 1921, and from day to day until completed.

The post-office address of Curtis Russell is Guntersville, R. F. D., Ala.

C. B. KENNAMER, *Contestant.*

Executed by leaving a copy with A. V. Lee on this 8th day of February, 1921.

THOS. H. STEPHENS,
Attorney for Contestant.

GUNTERSVILLE, ALA., *February 9, 1921.*

To Hon. L. B. RAINEY or to

HON. W. C. RAYBURN, *Attorney for L. B. Rainey:*

You will take notice that the Contestant C. B. Kennamer expects to examine Mr. Butler Moon and the wife of Butler Moon, Mrs. Butler Moon, as witnesses in behalf of the contestant at the examination to be had before Joseph S. Franklin, commissioner, at Boaz, Marshall County, at the office of Dr. W. E. Noel, on Friday, February 11, 1921, and will also examine C. B. Kennamer, whose address is Guntersville, Ala.; said examination will continue from day to day till finished. This 9th day of February, 1921.

That the post-office address of Butler Moon and his wife, Mrs. Butler Moon, is R. F. D. No. 4, Boaz, Ala.

C. B. KENNAMER, *Contestant.*

Copy hereof handed to W. C. Rayburn, attorney for contestee, at Guntersville, Ala., February 9, 1921.

C. B. KENNAMER, *Contestant.*

STATE OF ALABAMA,

County of Marshall, ss.:

Personally appeared before me, J. S. Franklin, a notary public and duly authorized commissioner to take depositions for C. B. Kennamer, contestant, in the matter of the contest of the congressional election in the seventh congressional district of Alabama, held in said district on the 2d day of November, 1920, at which election L. B. Rainey was certified as duly elected to Congress from said district. The witnesses personally appearing before me are mentioned in and their names are signed to the following depositions. This hearing was held at the times and places mentioned herein, and each witness was sworn by me to speak the truth.

Present and representing the contestant: C. B. Kennamer, contestant, and Hon. O. D. Street, attorney of Guntersville, Ala.

Present and representing L. B. Rainey: Hon. W. C. Rayburn, attorney of the firm of Rayburn, Wright & Rayburn, of Guntersville, Ala.

At the courthouse, Guntersville, Ala., Wednesday, February 9, 1921.

Attorney for contestee filed the following objections:

"Object to the taking of these depositions because the notices of taking depositions was served on Alto V. Lee, as attorney for the contestee, L. B. Rainey, were served on said Alto V. Lee that depositions would be taken at Guntersville, Marshall County, Ala., on the 9th day of February, and on the

10th day of February; and at Boaz, Marshall County, Ala., on the 11th day of February, and from day to day thereafter until all of said witnesses were examined. And that previous to the serving of said notice on said attorney, notice was served on him, the said Alto V. Lee, that depositions of witnesses would be taken on the 7th of February in Cherokee County, Ala., and from day to day thereafter until all of said witnesses were examined, and also at Fort Payne, Ala., on the 10th and 11th days of February, and continue until all of said witnesses were examined.

"Contestee further objects to the taking of depositions at this time because said notice served on Alto V. Lee, as attorney for contestee, did not state at what hour or at what place in Guntersville said depositions would be taken, as provided in section 108 of Revised Statutes."

GEORGE ROBERTS being called testified as follows:

(Contestee objects to the examination of this witness on the same grounds.)

Q. What is your name?—A. George Roberts.

Q. Where do you live?—A. Guntersville, Marshall County, Ala.

Q. Were you one of the registrars appointed under the law passed the fall of 1920 for the registration of voters?—A. Yes.

Q. How many registrars for Marshall County were there?—A. Three.

Q. Who were the other two?—A. Mr. J. O. Johnson and James Scruggs.

Q. What is your politics?—A. I am a Democrat.

Q. What is the politics of Mr. Scruggs and Mr. J. O. Johnson?—A. To the best of my knowledge they are Democrats.

Q. Was there any Republican member of the board of registrars for Marshall County, Ala., during that registration?

(Objection.)

A. No.

A. Have you with you a list of the appointments made by the board of registrars?—A. No.

Q. Do you remember the places that were named in a circular that was gotten out by the board of registrars?

(Objection.)

A. No; I could not name them all now.

Q. Was there any notice given in any newspaper before you started on your rounds?—A. No.

Q. Do you remember what day of the week you began your round?—A. No; but the best of my recollection is that it was Monday.

Q. Do you remember when that circular containing the list of appointments was first made public?—A. No; except it was sometime during that first week.

Q. Do you not remember that it was made public about the middle of the afternoon on Saturday before registration began on Monday?—A. I don't remember for sure whether we got out a circular on Saturday or not.

Q. State whether or not you yourself mailed out or distributed any of those circulars on Saturday before registration began?—A. No.

Q. Do you have any personal knowledge of anyone else mailing out or distributing those circulars on Saturday before registration began?—A. No.

Q. You began registration on the north side of the river did you not?—A. Yes.

Q. The last mail during the week from Guntersville to the north side of the river leaves Guntersville about 10 or 10.30 a. m. on Saturdays, does it not?—A. I think so.

Q. Your first appointment was Claysville, and for that same day—Monday—you had an appointment at Columbus City, Grant, and Kennamers Cove, did you not?—A. No; the appointment was at Claysville, then we began down at Honeycomb and then to Paint Rock, then up on the mountain at Grant and then to Kennamers Cove.

Q. That is about the most difficult part of Marshall County to get to, is it not?

(Objections.)

A. One of the most difficult parts.

Q. It is also the portion of the county to which the mails move most slowly, is it not?

(Objections.)

A. I think it was one of the most difficult parts.

Q. How far did that necessitate the board traveling on that Monday?—A. Something like about 25 miles?

Q. Was it not about double that?—A. I hardly think it was; I don't know how far it is to Kennamers Cove. It might have been 30.

Q. What place in Paint Rock did you register?—A. We stopped at about three or four different places, at houses—I do not remember them all. This was in Paint Rock beat.

Q. Give us the names you do remember?—A. Mr. Irby's—I can't remember the names of the other places.

Q. The places at which you stopped were Democrats, were they not?—A. I don't know.

Q. That was your information though, was it not?—A. No.

Q. Were you informed that either place was the home of a Republican?—A. No.

Q. You had sent Mr. R. E. Walker in advance of you, had you not?—A. No.

Q. You were informed that Emmett Walker was traveling in advance of you, were you not?—A. No.

Q. Who suggested the places where you stopped?—A. Not anyone.

Q. The places where you stopped were not mentioned on your circular, were they?—A. Some places were.

Q. Can you recall a single place at which you stopped that was mentioned on the circular in Paint Rock beat?—A. No.

Q. Give us your best recollection, as to the number of places at which you stopped in Paint Rock beat?—A. Three or four.

Q. Emmett Walker's one of them?—A. I don't think he lives in Paint Rock beat?

Q. You did stop at his house though?—A. Yes.

Q. He lives in Honeycomb beat?—A. Yes.

Q. He was the Democratic nominee for commissioner from that district over there?—A. Yes.

Q. Was he at home when you stopped there?—A. Yes.

Q. What became of him when you left his house?—A. We left him at home.

Q. He was in Guntersville on Saturday before you started your rounds, was he not?

(Objections.)

A. I don't remember.

Q. To refresh your recollection, do you not remember that you and the other two registrars were in conference with R. E. Walker and Bush Stearnes in a room in the courthouse on Saturday before the registration began on Monday?—

A. Me and the other two registrars were together and we called in several and I don't remember whether Mr. Walker was present or not.

Q. J. B. Stearnes was present, was he not?—A. I think he was.

Q. He is chairman of the county Democratic executive committee, was he not?—A. Yes; I think he was.

Q. Name all those whom you called into conference.—A. It seems to me like I called Johey Lewis, also Charley Kennamer, if I am not mistaken, and I don't remember anyone else.

Q. Mr. W. C. Rayburn was one of those in conference with you, was he not?—A. I don't remember his being in there.

Q. Is not this what occurred between you and Mr. Charley Kennamer: Did not Mr. Kennamer see you at your barber shop and ask you to furnish him with a list of your appointments so that he might have Judge Haralson to announce the list publicly in court?—A. I saw Charley at the barber shop, and we discussed the list and I don't remember him saying what he wanted with it.

Q. He was not in conference with the board of registrars at any time when you were present, was he?—A. No.

Q. Court was in session here at that time, was it not?—A. Yes; I think so.

Q. There was a large crowd in town on that Saturday, was there not?—A. I don't remember.

Q. You did not make any announcement at court of the list of appointments and you did not request Judge Haralson or anyone else to announce the list?—A. No.

Q. You don't know of any such announcement having been made by anyone?—A. No.

Q. Did you furnish Mr. Kennamer with a list of the appointments?

(Objections.)

A. I don't remember; I think I did.

Q. And you furnished it to him on Monday morning, a few minutes before you left on your tour?—A. I don't remember just when I furnished it to him.

Q. It was after 10 o'clock on that Monday before you left Guntersville, was it not?—A. It was somewhere near that time.

Q. Do you remember about how many women you found at Claysville that morning?—A. I think it was somewhere around 40.

Q. Do you remember about how many met you at Swearengen on Tuesday morning?—A. I am not sure, but think it was about 25 or 30.

Q. How many places did you stop in Claysville beat?—A. I think we just stopped at one place.

Q. Mr. J. B. Stearnes lived in Claysville beat?—A. Yes.

Q. How many private families did the registrars stop at during your published tour through the county?—A. I don't know, but we stopped at a good many.

Q. It was not stated on the circular that the registrars would stop at those private families, was it?—A. I don't think it was.

Q. Will you give me the name of a single Republican at whose residence you stopped during that week for the registration of voters?—A. Two or three Kennamer's in Kennamers Cove, and at Jess McCormick's and the old lady McCormick's, who said they were Republicans. This is all I remember.

Q. Jess McCormick runs a store, does he not?—A. Yes; but the store was closed.

Q. Every person you registered at McCormick's was a Democrat, was she not? (Objections.)

A. They said there was but one.

Q. Will you name those who said they were Republicans who registered at Jess McCormick's?—A. Three McCormicks; one was Jess's wife, and his sister and mother, and one other woman.

Q. What was the other woman's name?—A. Mrs. John G. Winston, jr.; she is a Democrat.

Q. Name any other Republican residences at which you remember stopping during that week.—A. This is all that I remember.

Q. This list appearing in the Guntersville Advertiser of October 12 is the first notice of registration given in any newspaper, was it not?—A. I think so.

Q. The list as it appears there, as far as it goes, is like the circular that was gotten out?—A. Yes.

Q. You just dropped off that notice the Monday and Tuesday's appointments?—A. Yes.

Q. How far is it from Guntersville to Warrenton?—A. It is called 4 miles.

Q. How far is it from Guntersville to Neighbor's Mill?—A. Around 10 miles.

Q. Please begin at Nabors Mill and give the distance as nearly as you can from place to place as shown on this notice in the newspaper.—A. From Nabors Mill to Union Grove is about 3 miles; from Union Grove to Flat Rock, about 3 miles; from Flat Rock to Oleander is about 2 or 3 miles; from Oleander to Eddy is about 7 or 8 miles; from Eddy to Arab, 3 or 4 miles; about 4 miles from Arab to Grassy; about 3 miles from Grassy to Brashiers Chapel; about 6 miles from there to Red Hill; from Red Hill to Blue Springs, about 5 miles; from Blue Springs to Nixons Chapel, about 5 miles; Nixon's Chapel to Concord Church, about 3 miles; from Concord to Douglas is about 5 miles; from Douglas to Center Point, about 3 miles; from Center Point to McVillie is about 12 or 15 miles; from McVillie to Hustleville, about 5 miles; Hustleville to Asbury, about 3 miles; Asbury to Poplar Springs, about 3 or 4 miles; Poplar Springs to Martling, about 5 miles; Martling to Rice schoolhouse, about 10 miles; Rice schoolhouse to Alder Springs, about 3 miles; Alder Springs to Lattiewood, about 5 miles; Lattiewood to Pleasant Grove, about 2 miles; Pleasant Grove to Rock Springs, about 2 or 3 miles.

Q. J. F. Scruggs, whose name is mentioned in the notice, is one of the registrars, is he not?—A. Yes.

(Contestant offered in evidence the issue of Guntersville Advertiser of October 12, 1920, that part of it headed "Registration notice"; the same is hereto attached and marked "Exhibit No. 1.")

Q. The only published appointments for registration for the week beginning Monday, October 18, and extending down to and including Tuesday, October 26, were Boaz, Albertville, and Guntersville, were they not?—A. Yes.

Q. Will you please tell me how many other places, to your knowledge, registration was had during the period Monday, October 18, down to and including October 26?—A. I don't know of but one other place, and that was in Wakefield beat, at Johnson's store.

Q. When was that registration held?—A. I don't remember just what date, but it was during the time the registrars were supposed to be sitting at Guntersville.

Q. Who went with you up there?—A. M. G. Hodges.

Q. Is Mr. Hodges a Democrat or a Republican?—A. He says he is a Democrat.

Q. Is Mr. Joe Johnson, who owns the store, a Democrat or a Republican?—A. I think he is a Democrat.

Q. He was then the Democratic nominee for school board in this county, was he not?—A. I think he was.

Q. And a Democratic member of the legislature a few years ago?—A. Yes.

Q. Do you remember the names of those you registered on that occasion?—A. No.

Q. Is there any way that you know of that you can get and furnish us with the names of those you registered there?—A. I could not and be positive that they would be the ones that registered at that time.

Q. How d'd their names get on the registration book?—A. We put them on there after I got back.

Q. Who actually wrote the names on the book?—A. I am not positive, but I think Mr. Johnson did.

Q. He was not with you when you registered these women at Mr. Johnson's store?—A. No; Mr. Scruggs was not.

Q. You made a list there at Johnson's store and brought that list back with you?—A. Yes.

Q. Who signed the registration certificates?—A. I did.

Q. Did you sign the names of the other two registrars to these certificates?—A. I don't remember on this occasion whether I signed them all or whether we got together before I went up there and signed them. Some times we would get together and sign up a good many of them.

Q. When you would sign up a number of them that way what did you do with the certificates before they were actually delivered to the voter?—A. I always kept the ones I had.

Q. You kept some of them after they were delivered to you, and the other registrars kept some of them?—A. Yes.

Q. What they did with theirs, you don't know?—A. No.

Q. This trip to Johnson's store was made after a large crowd of Republican women had been brought from that same community in trucks and automobiles and registered at the courthouse at Guntersville, was it not?—A. I don't know.

Q. Mont Hodges told you that there had been a big crowd of women—Republican women—brought from that community and registered at the courthouse in Guntersville, did he not?—A. No.

Q. He did say this in substance, did he not, "That if something was not done he would be damned if the Republicans didn't sweep that country up there"?—A. I don't remember him saying anything about that.

Q. Who suggested for you to go up there?—A. I don't remember; there were several; Mont was one; I think Joe Johnson did and several others; I don't remember all.

Q. What Republican did you tell that you were going up there in advance of your going?—A. I don't remember telling any of them.

Q. Joe Johnson said that he would have them there if you would go and register them, did he not, or in substance that?—A. I don't remember him saying anything of that kind.

Q. Who did promise you that they would have them at Johnson's store?—A. I don't remember who it was.

Q. Do you know anything about Mr. Mont Hodges having been furnished any blanks of any sort that were used in the registration of voters?—A. No.

Q. Were you present with the board on the day that quite a crowd of women came down from Kirby's beat and registered at the courthouse, on Monday before the registration closed on Tuesday?—A. I was here, but I don't remember any definite crowd.

Q. Mont Hodges was also present where the board was registering, was he not?—A. I don't remember whether he was or not, but I think he was some along.

Q. Mont told the members of the board privately that he knew those women and every damned one of them was Republicans, did he not?—A. I don't remember hearing him say that.

Q. Did you see him whispering to J. O. Johnson and James Scruggs?
(Objections.)

A. I don't recall him whispering to anyone.

Q. Whose automobile did you use in going up to Mr. Johnson's store?—A. I don't know; Mont was driving it.

Q. Mont Hodges used to live in that community?—A. Yes.

Q. Was it day or night when you went up there?—A. Day; I think we left Guntersville something like 1 or 2 o'clock.

Q. Was not this the last day of registration?—A. I don't think it was, but I think it was the day before the last.

Q. When you started up there, where were the other two registrars?—A. They were at the courthouse in Guntersville.

Q. You made a trip during the period beginning Monday, October the 18th, down to and including Tuesday, October 22d, on Sand Mountain with Charley Singleton, did you not?—A. Yes.

Q. How many days were you and Charley together?—A. One trip, one day.

Q. On that trip you registered Mrs. Claud Harper, did you not?—A. Yes.

Q. Where did you find her?—A. In the cotton patch at her home.

Q. How far from the house?—A. Two or three hundred yards, I guess.

Q. You and Charley got out of the automobile and walked out in the field to where she was?—A. Yes.

Q. She is the wife of the Democratic postmaster of Guntersville, is she not?—A. Yes.

Q. Had you given any public notice at any time that you would register voters out there in Mrs. Harper's cotton patch?—A. No.

Q. Where did you and Charley Singleton start from?—A. Courthouse at Albertville, Ala.

Q. Charley Singleton is a Democrat, is he not?—A. I think he is.

Q. He was an alternate delegate to the last Democratic national convention from the seventh congressional district, was he not?—A. Yes.

Q. Whose car did you use on that trip?—A. I don't know; Charley was driving it.

Q. How many other persons did you register on that trip?—A. Three or four or five, something like that.

Q. Can you name them?—A. Mrs. Ferguson, Mrs. Mathis, and a Mrs. Williams, are all I can remember.

Q. You had not given any public notice of that trip you made with Charley that time?—A. No.

Q. How many other trips did you make up, except the advertised trips?—A. Two or three more, I guess.

Q. With whom did you make the other trips?—A. One with Mrs. Dr. Niles. Mr. Scruggs and I made one with Mrs. McDonald or Wadell, I do not know which; she seemed to have gotten it up and was at the head of it. One with a fellow who was running a taxi; I do not know him; a lady got me to go, this was Albertville, Ala.

Q. None of those trips were advertised in anyway, were they?

(Objections.)

A. No.

Q. The trip with Mrs. Niles was either of the other registrars with you?—A. No.

Q. Was either one of the other registrars with you on the trip with the taxi driver?—A. No.

Q. About how long was the trip with Mrs. Niles; how far did you travel?—A. We went out the Mount Vernon Road to her mother's and came back by Boaz, Ala., some 11 or 12 miles.

Q. How long was the trip with Mrs. McDonald or Wadell?—A. I suppose it was 6 or 8 miles where we went and back.

Q. And the trip with the taxi driver, what was the extent of it?—A. About one-half mile.

Q. Can you give us the names of all those you registered on these three trips?—A. No.

Q. I suppose, as in the other case, you just took their names down on a list and transferred them to the book when you got back?—A. Yes.

Q. You did not preserve those temporary lists?—A. No.

Q. How many times did you see names being transferred from lists to the registration books?—A. With the ones I had myself, I suppose about half dozen times.

Q. Who were making the transfer from these lists?—A. Mr. Johnson usually did that.

Q. Is there anyway by which those that got on the registration books that way could be separated from those that appeared before the board when they registered?—A. I don't think so.

Q. You mentioned Mr. John Lewis a while ago, is he a Republican or a Democrat?—A. Democrat.

Q. He has been chairman of the democratic county executive committee, and democratic sheriff, twice?—A. Yes.

Cross-examination of Mr. Roberts was set for Wednesday night, the 9th.

GEORGE ROBERTS.

CONTESTANT'S EXHIBIT No. 1.

REGISTRATION NOTICE.

According to section 31, act of the legislature, 1920, to provide for registration of electors who have become qualified since January 5, 1920, the board of registrars will sit at the following times and places for the purpose of registering persons entitled to register:

Snead, October 12, 8 to 12 a. m.

Higlmound, October 12, 1 to 2.30 p. m.

Eagle School House, October 12, 3 to 5 p. m.

Summit, October 13, 8 to 12 a. m.

Pocahontas, October 13, 1 to 4 p. m.

Blountsville, October 14, 7 to 12 a. m.

Gum Springs, October 14, 1 to 4 p. m.

Blount Springs, October 15, 8 to 12 a. m.

Sulphur Springs, October 15, 1 to 4 p. m.

Sibleyville, October 16, 9 to 10 a. m.

Hayden, October 16, 10.30 a. m. to 1.30 p. m.

Walkers, October 16, 2 to 4 p. m.

Remlap, October 18, 8 to 10.30 a. m.

Selfville, October 18, 11 a. m. to 2 p. m.

Locust Fork, October 18, 3 to 5 p. m.

Courthouse, Oneonta, October 19 to 26, inclusive.

The board will sit at the courthouse from October 19, 1920, to October 26, inclusive.

JOHN H. KETCHUM,

JOHN SOUTH,

TRACY BROWN,

Registrars.

F. W. HARRISON, being examined, says:

Q. Were you one of the inspectors at the election in November, 1920, in Hooper's beat No. 24?—A. Yes.

Q. Did Mrs. Tom Smith, Mrs. Rosie Smith, vote there at that election?—A. Yes.

Q. Was her ballot deposited in the ballot box?—A. Yes.

Q. After it was deposited in the box was it taken out by any one and destroyed?—A. Yes.

Q. Who took it out?—A. Did Sparks. He took it out and destroyed it.

Q. Did you notice how it was marked?—A. Yes.

Q. For whom did she vote for Congress?

(Objections.)

A. C. B. Kennamer.

Q. How was it destroyed?—A. It was thrown in the fire and burned up.

Q. Was it counted for Mr. Kennamer?—A. It was not counted.

Q. Is Mr. Sparks a Democrat or Republican?—A. Democrat.

Q. Who were the other inspectors?—A. J. W. Moore, and Sparks, and myself were the inspectors.

Q. What reason, if any, did Mr. Sparks give for destroying that ballot?—A. He said it was no account because Mr. Kennamer was the only person voted for on the ballot; and not as many as two names voted for on it; that it required as many as two persons voted for before it was legal.

Q. What did you say to that?—A. I told him I thought it was all right.

Q. What did Mr. Moore say about it?—A. I don't remember that Mr. Moore said anything about it.

Q. Is Mr. Moore a Democrat or a Republican?—A. Democrat.

Q. After the polls were closed where was the count of the ballot made?—A. It was made about 1 mile from the voting place, down at Mr. Davidson's.

Q. Was Mr. Davidson a Democrat or a Republican?—A. Democrat.

Q. Had Mr. Davidson been very active that day at the voting place for the Democratic ticket?—A. Yes.

Q. What did you do about getting supper?—A. I went by home and got my supper, then went to Mr. Davidson's.

Q. Where was the ballot box and ballots during this time?—A. Mr. Davidson had charge of the box during this time.

Q. Were the ballots in the box?—A. Yes.

Q. What became of Moore when Davidson carried the box and ballots to his house?—A. He was at Mr. Davidson's when I got there, and he left with Mr. Davidson.

Cross-examination:

Q. You are a Republican, are you?—A. Yes.

Q. You were appointed as an inspector to hold the election in Hooper's beat?—A. Yes.

Q. Were you present when Mrs. Rosie Smith voted?—A. No.

Q. Did you see her deposit her ballot in the box?—A. No.

Q. How do you know the ballot destroyed was the ballot of Mrs. Rosie Smith?—A. Mr. Sparks said that it was the ballot that she voted.

Q. All you know about it then is what Mr. Sparks said about it?—A. Yes.

Q. Then, of your own knowledge, you do not know whose ballot was destroyed?—A. I never saw her put it in the box.

Q. You do not know of your own knowledge whose ballot was destroyed?—A. No; nothing more than what he said about it.

Q. You don't know of your own knowledge whether the ballot that was destroyed was voted by any person?—A. I never saw any vote it.

Q. And is it not a fact that you together with the other inspectors agreed and sanctioned the destruction of that ballot or piece of paper?—A. No.

Q. Is it not a fact that you told them to burn it up, that it was all right?—A. No.

Q. Don't you know that it is a fact the paper destroyed was not a ballot?—A. No. I do not know it.

Q. Now it is not a fact, that Mr. Sparks did not call Mr. Kennamer's name when you were discussing the destruction of the ballot?—A. I don't remember that he said anything about Mr. Kennamer's name, more than he said that it was not legal.

Q. What I mean is, he did not call Mr. Kennamer's name?—A. I don't remember that his name was called.

Q. You were very active that day at the polling place, were you not, in the support of Mr. Kennamer?—A. Yes, sir; I was very busy all day.

Q. You electioneered there at the polls for Mr. Kennamer?—A. I did not insist on anyone voting for him.

Q. You did ask people there that day at the polls to vote for Mr. Kennamer?—A. No; I did not.

Q. You did mark a good many ballots for Mr. Kennamer?—A. Yes.

Q. How many ballots do you suppose you marked for Mr. Kennamer?—A. I did not keep account of them, but I expect I marked up close to 100.

Q. Did each of those parties for whom you marked ballots call on you to mark their ballots for them?—A. Yes.

Q. How many ballots did the other two inspectors mark, if any?—A. I could not tell.

Q. Do you know of their marking any?—A. Yes; I saw Mr. John Davidson marking a good many; he was the returning officer.

Q. When you marked the ballots is it a fact that you handed them in to the inspector taking the ballots?—A. When I marked the ticket, I would give it to the man I was marking it for.

Q. It is a fact that some times when you would mark the ticket you would fold it up and hand it in yourself to the inspector?—A. I handed several tickets to Mr. Sparks after they were marked, and he put them in the sack.

Q. Mr. Sparks was one of the inspectors, was he not?—A. Yes.

Q. There was a great rush around the polls some of the time, was there not?—
A. Yes; the house was crowded pretty well all the time.

Q. Sometimes you would mark several ballots, take in your hands, and hand in to the inspector who was receiving the ballots several ballots at the time?—
A. No; I never did hand in more than one at a time.

Q. You were marking tickets all day instead of acting as inspector as you were appointed to do, were you not?—A. I marked tickets; they came in, asked me to mark tickets, and I did. I did not volunteer to ask anyone.

Q. It is a fact that several times during the voting you would tell voters to wait that you would get to them directly to mark their ballots?—A. Yes; I could not mark but one at a time, and I did not want but one ticket on my hand at a time.

Q. Were the ballots you marked mostly women ballots or men?—A. Mostly men.

Q. Where was the election held?—A. At Mr. Smith's gin house.

Q. Was there any place there for a fire?—A. No.

Q. Was it cold weather?—A. It was cold enough for a fire.

Q. After the voting was all over, and after the polls were closed, you, together with the other inspectors, mutually agreed to take the ballots up to Mr. Davidson's to count them; did you not?—A. No; I proposed to go up to Mr. Smith's, there in sight of the gin house, and count them.

Q. You did not object to going to Mr. Davidson's house did you?—A. I objected to going to Mr. Davidson's because I did not think it was necessary.

Q. You all agreed that it was necessary to go somewhere to a fire where you could be comfortable while counting the ballots, did you not?—A. They had to pick on somewhere to go to commence counting them.

Q. And they decided to go to Mr. Davidson's, did they?—A. Davidson kept on insisting on them to go, and finally they did go.

Q. Well, you agreed to go; did you not?—A. I had to follow the box.

Q. Mr. Davidson told you to go to his house and get supper with him, did he not?—A. Yes; he invited the crowd to go, I think.

Q. Nobody told you not to go did they?—A. No.

Q. They had not counted any ballots until all of the election officers were present, had they?—A. They were all present when they commenced counting them.

Q. Did you inspect each ballot that was counted?—A. No; I never looked at them very closely.

Q. Nobody hindered you from looking at each ballot that was counted, did they?—A. No.

Q. Was any ballot counted for Mr. Rainey, which was in fact cast for Mr. Kennamer?—A. I don't remember that it was.

Q. Is it not a fact that the election was fairly conducted and the ballots counted for the parties for whom they were cast?—A. I don't think that they were.

Q. Do you know of any that were counted other than as they were cast.—
A. No.

Q. Was any voter coerced, intimidated, or compelled to vote a Democratic ticket at that election?—A. No; I don't guess there was.

Q. Do you know of any voter who did not vote according to his own wishes and choice for any office?—A. So far as I know they voted their own choice.

Q. Don't you know as a fact that that was a fair election held in that precinct?—A. No, sir; I do not.

Q. Will you please tell in what way it was unfair to any candidate?—A. I don't know that I could. I said that they could not take a legal voting list and get as many for Mr. Rainey as were counted for him.

Q. Then you base your judgment for saying that you do not believe the election was fair on the fact that you can not take the legal voting list and get as many votes for Mr. Rainey as were cast at that election?—A. Yes; I said that. The Democratic inspectors could not call the names over and get as many for Mr. Rainey as were counted for him.

Q. Nobody hindered you from watching the ballots that were cast and placed in the box from seeing them each and every one counted?—A. No.

Q. Is it not a fact that it was your privilege, your right, and your duty as an inspector at that election to see that every ballot was counted as cast?—A. I saw that the names were put down correctly when I marked them.

Q. Is it not a fact that it was your right, duty, and privilege to inspect every ballot as it was counted by the inspectors at that election?—A. No, sir; I

don't know that it was. I could inspect the one I was marking, but I could not inspect the one that some one else was marking.

Q. Did any Democrat force or compel you to mark tickets?—A. No.

Q. Were you present when all the ballots were counted?—A. Yes.

Q. Were you hindered from examining each and every ballot as it was counted?—A. No.

Q. Do you know of any Democrat who coerced or intimidated any voter at the election, or who kept them from voting for Mr. Kennamer if they so desired?—A. No.

Q. Do you know of any one voting at that election whose name did not appear on the list of legal voters?—A. I don't remember that I do; but I thought there were some on there that should not have been on there.

Q. Whose names were on there that you thought should not have been there? Name them.—A. I know of one that I thought should not have been on there, Mr. Charley Benson.

Q. Is it not a fact that he was a Republican?—A. I do not know that it is.

Q. That is your judgment that it was?—A. No; my judgment is that he voted a Democratic ticket.

Q. It is not a fact that his people are Republicans?—A. His brother claims to be a Republican.

F. W. HARRISON.

Mrs. ROSA SMITH, being examined, says:

Q. Are you the wife of W. T. Smith?—A. Yes.

Q. Did you vote at the election in November, 1920?—A. Yes.

Q. For whom did you vote for Congress?—A. Mr. C. B. Kennamer.

Q. Was that the only person that you voted for for any office?—A. Yes.

Q. Was your ballot received by the inspectors?—A. I gave it to Mr. Sparks.

Q. Did you notice what he did with it?—A. No.

Q. Do you know Mr. John Davidson?—A. Yes.

Q. Was he helping to hold that election?—A. I don't know, but he was around there all day.

Q. Did you have a conversation with him a few days after the election?

(Objections.)

A. It was a few days after, but I do not remember how long.

Q. Did he admit to you in that conversation that they had burned up your ballot?

(Objections.)

A. He told me that they burned it up.

Q. Did you then say to him you would not have burned my ballot if it had been for Rainey?

(Objection.)

A. Yes.

Q. What did he say in reply to that?

(Objection.)

A. He said he would not have let it be burned if it had been for Rainey.

Q. You had registered, had you?—A. Yes.

Cross-examination:

Q. What time of day was it when you went to the election?—A. I don't remember, but it was along about 3 or 4 o'clock.

Q. Who went with you?—A. I don't hardly know; there were Mrs. Johnson and my sister-in-law and my mother, and several more.

Q. Who marked your ballot?—A. I did.

Q. Was your husband present?—A. Yes.

Q. Is it not a fact that you stated that you desired to vote the Democratic ticket and that your husband told you that you must vote the Republican ticket and put his finger on your ballot and told you to mark here?—A. No. He did not say a thing to me about who to vote for, he did not name it to me.

Q. Will you please tell us where you made your cross mark on your ballot?—A. I made it to the left of Mr. Kennamer's name and spoiled out Mr. Rainey's.

Q. How did you spoil out Mr. Rainey's name?—A. I had a pencil and marked across it.

Q. So far as you know, your ballot was counted just as cast at that election, was it not?—A. I just know what people say about it.

Q. It is a fact that your husband handed your ballot to the inspector, Mr. Sparks?—A. No; I handed it to Mr. Sparks myself.

Q. And you saw Mr. Sparks put it in the box?—A. No; I was not watching him.

Q. Then you don't know what he did with it?—A. No.

Q. As soon as you handed your ballot to Mr. Sparks, you turned around and did not look at him any more?—A. Yes.

Q. Did you vote for anyone else on the ticket?—A. No.

ROSA SMITH.

LUTHER PORCH, being called testified as follows:

Q. Where do you live?—A. In beat No. 25, Marshall County, Ala.

Q. Are you a Democrat or a Republican?—A. I sometimes vote a mixed ticket. I was principally raised a Democrat.

Q. In this last election, did you vote a Democratic or a Republican ticket?—A. Democratic.

Q. One of your brother's was a Democratic nominee for commissioner in that election was he not?—A. Yes.

Q. Were you present at a registration of voters that was had at Burgett's store on Saturday afternoon, October 23, 1920? A. No.

Q. Did you invite a number of women to meet there that afternoon to be registered?—A. I notified a number that the registering officers would be there.

Q. You don't know how many went and were registered there?—A. I don't know the exact number.

Q. Who informed you that the registering officer or some of them would be there at that place at that time?—A. Mr. J. O. Johnson.

Q. Did you ever see any published or printed notice of any kind that they would be there at that time and place to register voters?—A. No.

Q. About how many did you notify that they would be there?—A. Some, between 35 and 50.

Q. Before this registration was supposed to be held, you had a conversation with Mr. J. O. Johnson about it?—A. Yes.

Q. In that conversation Mr. Johnson told you that the Republicans were beating the Democrats registering the women and that something had to be done or the Democrats were going to be defeated, or something in substance to that did he not?

(Objection.)

A. No, he did not tell me that.

Q. Just state what he did say along that line?—A. I asked him what the number of each one was, and he said that the number was something like equal as best he could guess at it.

Q. Who suggested the holding this registration at Burgett's store?—A. I did.

Q. Were you present at any other time or place when registration of voters was being held at places not named in the public list of appointments?—A. No.

Q. You know Mr. John Chasteen?—A. Yes.

Q. Did you not state to him that Mr. Johnson had told you here at the courthouse for you to get out and get up a bunch of women and that he would come out and register them and that if the Democrats did not do something they were beaten in this county?

(Objections.)

A. I did not tell Mr. Chasteen all of that, but I had a conversation with him in which I told him that Mr. Johnson after I had suggested that he come out there, said he would come if there were enough to justify him to come by there.

Q. Did you tell Mr. Chasteen that Mr. Johnson said that if the Democrats did not do something that they were beaten in this county?—A. No, I have no recollection of any such thing.

Q. Did not Mr. Johnson in that conversation you had with him state in substance that it was important or necessary to get out and round up the Democratic women and that the registrars would come out and register them?—A. No.

Q. Did you see Mr. Johnson out on the mountain on that Saturday afternoon?—A. No.

Q. What hour did he tell you that he would be there?—A. Between 3 and 5 o'clock.

Q. Where were you at that time?—A. I was at home.

Q. When was it you had your conversation with Mr. Johnson?—A. On Friday before this Saturday evening mentioned.

Q. Mr. Johnson also told you in that conversation that he was going to Oleander to register on that Saturday night?—A. Yes.

Q. Did you ever see any public notice for any registration at Oleander that night?—A. No.

Cross-examination :

Q. Do you know whether there was a registration at Burgett's store of your own knowledge?—A. I do not see any registration.

Q. Did you know of any registration other than advertised?—A. I did not see any.

Q. Did Mr. Johnson or any other registrar tell you to get out Democratic women to register at Burgett's store?—A. He did not use the word Democratic women; he said he would come by and register the women if they wished.

Q. Was it kept a secret that he would be there?—A. Not by me; I made it public to every one, Republicans and all; there was only one woman skipped and she was a woman that was not capable of going.

Q. The man that you spoke of telling, whose name is John Chasteen, was he a Republican or Democrat?—A. My opinion is that he has always voted a Democratic ticket.

Q. Do you know of anybody that was denied registration who applied for registration?—A. No.

L. L. PORCH.

WILBURN ALLDREDGE, being examined says:

Q. Where do you live—A. Out in beat No. 24, Marshall County, Ala.

Q. What is your age?—A. Twenty-three.

Q. I will ask you if within a few days before the election, if you applied to the tax collector at the courthouse for a poll-tax receipt?—A. Yes.

Q. Did you get it?—A. Yes.

Q. Do you remember what day it was?—A. It was about 3 or 4 days, or maybe a week.

Q. What year's poll tax was that?—A. It was last year's; I had never paid any poll tax until last fall.

Q. How many poll tax receipts did the collector give you?—A. One.

Q. Have you the receipt with you?—A. Yes.

Q. This receipt bears the correct date; does it not?—A. I think it does.

Q. This is now just in the condition it was in when it was furnished you?—A. Yes.

Q. When you went to vote, your name was on the list, was it not?—A. I don't know.

(The contestant then offered the receipt in evidence, which read as follows: "Four dollars fifty cents, poll-tax receipt, County of Marshall, Ala., November 1, 1920, No. 19. Received of J. W. Alldredge the sum of \$4.50 for poll tax due by him as follows, 1918, 1919, and 1920; total, \$4.50. District 81; color, white; precinct No. 24. (Signed) W. T. Solley, tax collector. (Countersigned by H. F. Lee, State auditor.)

Q. You voted at that election, November 2, 1920, did you not?—A. Yes.

Q. Did anyone go with you to the tax collector when you paid these polls?—A. No.

Q. Did you consult or advise with anyone as to how you could straighten up your poll tax records?—A. No.

Q. Did you not discuss the matter of being behind with your poll tax with some one before you paid these poll taxes up?

(Objections.)

A. No.

Q. What passed between you and Mr. Solley at the time you paid these polls?—A. Not anything.

Q. Nothing was said about the election?—A. No.

Q. Was there anything said to you about anyone, that if you would pay these polls, your name would appear on the voting list?—A. No.

Q. After you got this receipt, what did you do with it?—A. I carried it home.

Q. Did you tell anyone here about the courthouse that you had paid up your poll tax and cleared up your record?—A. No.

WILBURN ALLDREDGE.

I. B. HYDE, being called, testified as follows:

Q. Are you the sheriff of Marshall County?—A. Yes.

Q. Are you a Democrat or a Republican?—A. Democrat.

Q. Were you present at any places where registration of voters was held, outside of those mentioned in the newspaper advertisement, market "Exhibit No. 1"?—A. One.

Q. What place was that?—A. Haden Bagwell's, in Grassy beat No. 25, and at Bud Clayborn's, same beat.

Q. When was that?—A. I don't remember.

Q. Was it during the time that the registrars were supposed to be sitting at Guntersville?—A. Yes.

Q. What registrar was present?—A. Mr. J. F. Scruggs.

Q. Was any other registrar present but him?—A. No.

Q. Did you go to those places with him?—A. Yes.

Q. Where did you and he start from?—A. Guntersville.

Q. Did he carry you or did you carry him?—A. I carried him.

Q. As you and he rode along, you said to each other that the Republicans were beating the Democrats registering, did you not?

(Objection.)

A. No; Mr. Scruggs said we had you beaten.

Q. That must have been along toward the latter end, when the registrars were making tours out, was it not?

(Objection.)

A. My recollection is that this was along about the last days of the registration.

Q. He said that at first the Republicans were beating the Democrats, did he not?—A. Mr. Scruggs told me that along at the start that the Republicans seemed to be more active right at the start in getting their voters out to register, but now he thought we had them beaten.

Q. He told you that he had made several trips out over the county, did he not?—A. No.

Q. He said others of the registrars had made several trips around through the county, did he not?—A. I don't remember that he did.

Q. You never saw any published notice of this registration at Bagwell's and Clayburn's, did you?—A. No.

Q. You don't have any personal knowledge of registration made at places not mentioned in the newspaper notice?—A. No.

Q. Can you give us the names of all the persons registered at these places you have mentioned?—A. Yes. Mrs. B. Bagwell, Calie Cox, and the other two were Mr. Clayburn's wife and Mat Culbreath's wife.

Q. Are those all that you registered on that trip?—A. Yes.

Q. How far is it from Guntersville out to Bagwell's?—A. Eleven miles.

Q. How far from Guntersville to Bud Clayburn's?—A. About the same distance.

Q. What time of day was it, or was it night?—A. It was in the afternoon.

Q. Where were the other registrars when you left Guntersville?—A. My recollection is that they were here in the courthouse.

Q. Is it not your recollection that Mr. Roberts had gone to Joe Johnson's store?—A. I don't remember it that way.

Q. You were about the courthouse some while the registration was going on here at Guntersville?—A. Very little.

Q. You did notice that at times only one and at times only two of the registrars were present when registration was going on at Guntersville?—A. I was in the room a time or two when some ladies came in from Brindleys Mountain, and the registrars were all in there at that time.

Q. You don't remember to have been in there at any time when all of the registrars were not present?—A. I don't remember it if I were.

Q. When Mr. Scruggs registered these women, what sort of a record of it did he make at the time?—A. I don't know whether I remember or not; it seems to me that he gave them a certificate and kept a duplicate.

Q. He did not have the regular registration book with him did he?—A. I don't believe he did.

Q. Did you see them transcribing from lists onto the registration book the names of persons?—A. No.

Cross-examination:

Q. On this trip that you made with Mr. Scruggs, is it not a fact that you registered Republican women as well as Democratic women?—A. Yes.

I. B. HYDE.

W. T. SOLLEY, being called, says:

Q. Where do you live?—A. Guntersville, Ala.

Q. What position do you hold in the county?—A. Tax collector.

Q. Are you a Democrat or a Republican?—A. Democrat.

Q. You were the Democratic nominee for tax collector at the last election, were you not?—A. Yes.

Q. Do you know of any registration of voters at any time or place not mentioned in that notice there in the paper [showing witness Exhibit No. 1]?—A. Yes.

Q. How many times and places?—A. Two places, but on the same night.

Q. What places were they?—A. One was at my home.

Q. Where was the other place?—A. One of the registrars went over to Mr. Sterling Tidwell's and registered his wife and daughter.

Q. Is Mr. Tidwell a Democrat or a Republican?—A. Democrat.

Q. Who was the registrar?—A. Mr. Scruggs, at Mr. Tidwell's, and all three of them were at my house.

Q. Both of those were at night, were they?—A. Yes.

Q. Could you give us the names of those who registered at your house?—A. Not all of them; I was in there only a very little.

Q. Could you give us approximately the number that registered at your house that night?—A. If all those who came registered, there were some 50 or 60.

Q. Did you ever see any published notice of that registration at your house?—A. No.

Q. Did they register at your house more than once?—A. Only once when I was there.

Q. Could you tell us, in any way, how many poll-tax receipts you issued for years prior to 1920 within, say, 10 days before the election?—A. No; I thought the books had to be in Montgomery by the 10th of February, and I sent them to Montgomery, but I have found out later that it was the 15th.

Cross-examination:

Q. What is your judgment of the number issued just prior to the election?—A. I don't have any idea.

Q. When is the poll tax paying time?—A. From the 1st of October to the 1st of February.

Q. Did you deny anybody the right to pay poll tax after the 1st of October?—A. No; I never have.

Q. The registration that you spoke of at your house was before the registration closed, was it not?—A. Yes.

Q. Republicans were registered as well as Democrats, were they not?—A. Yes; some Republicans were registered out there; that is, some came there to register; I was not in there all the time; I can't say whether they registered or not.

Q. Was anybody denied the right to register?—A. I never heard of it if they were.

Q. How was it norated around that they would register there that night?—A. I can best tell that by telling how they happened to come out there. Mr. Johnson staid all night at my house one night previous to this time, and when he started to leave the next morning he told my wife that he was coming out there to stay all night again, I believe it was on Friday night, and if she did not object he would get Mr. Scruggs to come too, and that they would register the ladies out there in South Town that night. She told him that she did not object, and we just told the people around there that they would be there that night.

Q. You told them promiscuously, did you?—A. Yes; I did. I don't know what the others did.

Q. This registration was not after midnight, was it?—A. No.

Q. About how far is your house from the courthouse?—A. About 1 mile.

W. T. SOLLEY.

P. W. SHUMATE, being called, testified as follows:

Q. Do you live in Guntersville now?—A. Yes.

Q. Was the Oleander community your old home?—A. Yes.

Q. Were you present at Oleander on Saturday night, October 23?—A. Yes.

Q. Did you see any registration of voters going on there that night?—A. Yes.

Q. Which of the registrars was present there that night?—A. J. O. Johnson.

Q. Was he the only one?—A. Yes.

Q. About what time of night was it that they began registration?—A. I would judge about 8, or 8.30.

Q. About how many persons were present in all, in your best judgment?—A. There were about 40. I think the registrars stated that 27 registered.

Q. Who was with the registrar?—A. Grady Johnson, his son; and his young daughter, Gladys.

Q. Did you ever see any printed notice of that registration?—A. No. Mr. Johnson said there was none, that he just came out there that night to register.

Q. What is your politics?—A. Democrat.

Cross-examination:

Q. You were present when they registered?—A. Yes.

Q. Was anybody denied registration that you know of?—A. I did not see anybody denied.

Q. Were Republicans registered there the same as Democrats?—A. I don't know. I only know how three voted that registered there; they voted the Democratic ticket. My sister and my brother's wife; and Mrs. Nancy Clark, she said she voted the Democratic ticket.

Q. You don't know how the others voted, or whether they were Democrats or Republicans?—A. I don't know.

Redirect examination:

Q. On that occasion, either during this registration or afterwards, if Mr. J. O. Johnson made any statement about how the two parties were getting along with the registration of their voters, state what he said?—A. Immediately after the registration was over there that night, I asked him how many had registered there and he told me that 27 had registered that night; he said that was good for Oleander, that some had registered previous to that time. He said at first the Republicans seemed to have it on us Democrats on the registration of voters, but now we had about caught with them. And if we worked the next two days that he thought we would have more women registrants than the Republicans.

P. W. SHUMATE.

W. W. PORCH, being called, says:

Q. Do you live at Guntersville?—A. Yes.

Q. Are you marshal of the town at this time?—A. I am.

Q. Have you been deputy sheriff?—A. Yes.

Q. What is your political affiliations?—A. I vote a Democratic ticket.

Q. Were you present on any occasion when registration of voters was going on at any time or place not named in that list there [exhibiting newspaper to witness, which is Exhibit No. 1]?—A. I was present at Burgett's store.

Q. Is that the only place not named in that list?—A. Yes.

Q. Was that on Saturday afternoon before the final close of registration?—A. I could not say; it was on one Saturday evening.

Q. What registrar was there?—A. Mr. Johnson.

Q. Was he the only one?—A. Yes.

Q. About how many persons did you and he find there when you got there?—A. I suppose about a dozen or there might have been more.

Q. And the others came in after you got there?—A. No; I don't think they did.

Q. What is your best recollection as to the number who registered there?—A. That is the best of my recollection.

Q. As some went away, others came, did they not?—A. No; I did not see anybody come or anybody leave.

Q. Can you recall all the persons who registered there that afternoon?—A. No.

Q. What sort of a record did Mr. Johnson make there at the time?—A. I don't know that I could say.

Q. He did not have the regular registration book there with him, did he?—A. A. I don't remember.

Q. To refresh your recollection, don't you remember his making a list on a tablet of yellow paper?—A. I don't remember.

Q. Did you go with him from Guntersville?—A. Yes.

Q. Did you come back with him on Monday?—A. Yes.

Q. Did you see him transfer those names when he came back on Monday onto another book?—A. No.

W. W. PORCH.

GEORGE ROBERTS, recalled for cross-examination, stated:

Q. Was anybody denied the right of registering on account of race, color, or previous condition of servitude?—A. No.

Q. In your notice of appointments for registering of voters, is it not the fact that the first precincts that you went to to register voters were Democratic precincts?—A. Considered that way.

Q. Is it not a fact that the longest notice was given to Republican precincts or precincts known to be strongly Republican?—A. I could not say that. I consider that we gave them notice together after that first trip.

Q. Is it not a fact that the community around Boaz is strongly Republican?—A. I consider it that way.

Q. Claysville precinct is a strong Democratic precinct, is it not?—A. Yes.

Q. Ordinarily not more than 8 or 10 Republicans vote there?—A. Ordinarily there are not very many.

Q. The shortest notice given to any precinct was given to Claysville, was it not?—A. I suppose so, it was the first precinct we went into after notice was given.

Q. How did you notify the people of Claysville?—A. We just told people that we happened to see, who lived there, that we were coming.

Q. It is a fact that you gave notice of the time and place of registering voters in each precinct in the county by posters and by notices published in the Guntersville Advertiser?—A. As soon as we could after getting our appointments as registrars.

Q. Did you visit all the points advertised in your notices?—A. All of them, except Mr. Scrugg's house; Mr. Johnson and I did not go there.

Q. How did you travel?—A. In a car.

Q. Were you informed previously that the houses where you stopped to register were Democratic or Republican?—A. No.

Q. How long did you stay in session at Guntersville, registering voters at the courthouse?—A. Four days.

Q. What hours did you hold your session at the courthouse each day?—A. From about 7.30 in the morning to about 8 at night.

Q. In the conference that you spoke of in the direct examination, is it not a fact that you decided in that conference to visit the Democratic beats first so as to give more notice to the Republican precincts so they could be ready when they got around to them?—A. No; we decided in that conference to visit the north side of the river first, because we were afraid it would rain and we could not get over there at all.

Q. Your recollection is that Mr. C. B. Kennamer, who was then a candidate for Congress, was called in that conference?—A. I don't remember definitely that I called him into the conference, but I told him we were going to make a list of these appointments, and I would give him one just as soon as we got through.

Q. What did Mr. Kennamer say?—A. I think he said that was all right.

Q. Did you give him a notice or the list as soon as you got through?—A. I think I carried a list up there to him.

Q. Did he make any objections?—A. I don't remember that he did.

Q. You and Mr. Kennamer are close friends, are you not?—A. I suppose so.

Q. How many notices or posters of your appointments did you have printed?—A. The best of my recollection is 2,000.

Q. Was it pretty generally known over the county that you were registering voters?—A. It seemed to be.

Q. Pretty well advertised, was it not?—A. It seemed to be.

Q. Did not the Republicans keep the road pretty hot with taxis, bringing women in to register?—A. I could not tell; they were coming in; that is all I could tell.

Q. Was there anybody registered after the books were closed or any names put on the registration books?—A. I don't think there was.

Q. Did you register anybody after the books were closed?—A. No.

Q. The registration that you spoke of at Johnson's store and at other places than those advertised in your printed notices were sanctioned and agreed to by the entire board of registrars?—A. Yes.

Q. Is it not a fact that on your first days of registration on the north side of the river you registered as many Republicans as Democrats in proportion to the number of each on the north side of the river?—A. I think we did.

Q. In your registration of voters at place other than those advertised did not you register Republicans as well as Democrats?—A. We registered everybody that was there who wanted to register.

GEORGE ROBERTS.

THURSDAY, FEBRUARY 10, 1921.

Contestee objects to the examination of T. J. Brown on the same grounds as stated in the beginning of the examination of witnesses, and on the further ground that notice was served on Alto V. Lee as attorney for L. B. Rainey that the witness, T. J. Brown, would be examined at Boaz, Marshall county, Ala., on February 11, and from day to day thereafter; that on February 7, 1921, notice was served on Alto Lee as attorney for L. B. Rainey that T. J. Brown would be examined at Guntersville, Ala., at the courthouse on February 9, and from day to day. It is admitted that this witness is the same T. J. Brown.

T. J. BROWN, being called, testified as follows:

Q. Where do you live?—A. I live in precinct 16, Marshall County, Ala.

Q. Were you connected with the Republican campaign at the election of November, 1920, in Marshall County?—A. Yes.

Q. In what capacity?—A. I was the county campaign chairman.

Q. As such I will ask you if you took an active part in the campaign?—A. Yes.

Q. Did you make diligent effort to keep up with the progress of the campaign?—A. I did.

Q. Did you make diligent inquiry to find out when and where registration of voters would begin?—A. Yes.

Q. State when and how you got your first information as to when and where registration would be held.—A. I got my information through Mr. Kennamer. I don't know whether I can state the exact date or not, but it was on Monday, the same day the registrars started.

Q. How far did you live from where Mr. Kennamer lived?—A. Sixteen miles.

Q. Where were you when you got this information?—A. I was at home at Whitesville.

Q. Did he notify you by telephone?—A. Yes.

Q. About what time in the morning was it?—A. It was about 9 or 10 o'clock.

Q. Did you see any of the circulars that were printed by the board of registrars?—A. Yes.

Q. When and where did you first see one of those circulars?—A. At Guntersville, at Mr. Kennamer's dwelling, late in the evening, Monday.

Q. Did you spend Monday night at Mr. Kennamer's?—A. I believe I did not.

Q. Mr. Kennamer you are referring to is Mr. C. B. Kennamer, the Republican nominee for Congress?—A. Yes.

Q. Did you or Mr. Kennamer or the Republican organization have some circulars printed, advertising the registration appointments?—A. We had some circulars that were struck out, and, I think, Mr. Kennamer told that he had them copied, from what the registrars told him.

Q. Mr. Kennamer furnished you with some of those circulars?—A. Yes.

Q. Where did you go then after coming to Mr. Kennamer's on that Monday?—A. I went to Brindlee Mountain.

Q. Are the following places on Brindlee Mountain, viz: Nabors Mill, Union Grove, Flat Rock, Oleander, Eddie, Arab, Grassy, and Brashier Chapple?

(Objections.)

A. Yes.

Q. Did you visit all those places on your trip?—A. I visited all except Brashier's Chapple, and I don't think I was there.

Q. Did you distribute those circulars as you went?—A. Yes.

Q. Did you make a general distribution of them?—A. Yes.

Q. Before giving a man one of them, did you inquire of him whether he was a Democrat or a Republican?—A. I don't know that I made any inquiry; but I generally knew what he was before I gave him one.

Q. Did you make any effort to keep it a secret from the Democrats?—A. No.

Q. Did you ever see any Democrat out in the county with circulars distributing them, advertising these registration appointments?

(Objection.)

A. No.

Q. When you left Brindlee Mountain, what part of the county did you then visit?—A. I went into Browns Valley—Red Hill beat.

Q. Were you in Big Springs Valley also?—A. No.

Q. Did you send some one to Big Springs?—A. Yes.

Q. Whom did you send?—A. Charley McNaron.

Q. What part of the county did you next visit?—A. I was in Cross Roads beat next.

Q. And from there to what part of the county?—A. Rock Springs.

Q. Is that on Sand Mountain?—A. Yes.

Q. Then, name the beats that you visited.—A. I was in Read Break, Friendship, Red Apple, Albertville, I think. These were the only beats I was in with the circulars.

Q. Do you know who went to the other parts of Marshall County on Sand Mountain?—A. My recollection is that J. D. Pruitt went.

Q. What beat is Warrenton in?—A. Warrenton beat.

Q. Nabors Mill and Union Grove, what beat are they in?—A. Union Grove beat.

Q. What beat is Flat Rock in?—A. Union Grove.

Q. Is Union Grove Democratic or Republican?—A. Strongly Democratic.

Q. What precinct is Eddie in?—A. Cranford.

Q. What precinct is Brashiers Chapple in?—A. Grassy.

Q. Is Grassy beat Democratic or Republican?—A. Democratic.

Q. What precinct is Blue Springs in?—A. Big Springs beat.

Q. What precinct is Nixons Chapple in?—A. Read Break.

Q. And Concord Church?—A. Read Break.

Q. And Douglas?—A. It is mostly in Read Break; some of it is in Friendship.

Q. And Center Point?—A. Friendship.

Q. Do you know about how many women there are in Friendship beat?—A. I would estimate it at about 700; this is my guess.

Q. Is that your best judgment?—A. Yes.

Q. How long have you lived in that precinct?—A. Close to 20 years.

Q. Is it a large precinct territorially speaking?—A. Yes.

Q. Is there any precinct in the county that you know of which is any larger in point of size?

(Objection.)

A. I don't think there is.

Q. Is it a thickly settled part of the county?—A. Yes.

Q. What is the length and breadth of that beat; about how many miles?—A. I think it would average 5 miles across and about 6 miles the other.

Q. Were you at Center Point when the registrars arrived there?—A. Yes.

Q. What time did they get there?—A. About 4.30 o'clock, some time about then. Something nearer 5 than 4.

Q. How long did they remain there?—A. I don't remember exactly how long they remained there, but they left there about dark.

Q. Were you ever notified by either of the registrars that if you would get a bunch of women together at any place that one or more of them would come out and register them?—A. No.

Q. Did you ever receive any advance information that registration would be held at any time or place except those named on the circular that the registrars issued?—A. No.

Q. All the information you now have as to registration at other times and places, you have gotten since the registration was held; is that correct?—A. Yes.

Q. Was any public notice ever given that if anyone would get groups of women together at any time or place that one or more of the registrars would come and register them?—A. No; I never received any such word.

Q. Going back to Friendship beat, is it Democratic or Republican?—A. Republican.

Q. The registration board—what are they—Democrats or Republicans?—A. Democrats.

Q. I will ask you to state what means the Republican organization had to adopt in order to get their women to the registration places?—A. They had to adopt plans of hauling them there.

Q. I will ask you, if they had to hire automobiles and trucks and other vehicles to get them to the registration at the courthouses?—A. There were a good many vehicles hired and a good many gave their services.

Q. The way these appointments were made and published, I will ask you if it necessitated the hauling of hundreds of women from 10 to 20 miles in order to get them to the courthouse at Albertville or Guntersville?—A. Yes.

Q. I will ask you if the bulk of the money spent by the Republicans in that campaign in Marshall County was not spent in an effort to get the Republican women to the places of registration?—A. Yes.

Q. Did any Republican have any official connection with the board of registrars in Marshall County?—A. None that I know of.

Cross-examination :

Q. You say you got your information from Mr. Kennamer as to the appointments made by the registrars for their rounds to register the voters; it is a fact that they filled every appointment which Mr. Kennamer told you they would make, did they not?—A. I could not tell whether they did or not; I was not there.

Q. They did so far as you know, did they not?—A. I could not say they did, for I heard they passed through several places.

Q. So far as you know from your own knowledge, they filled every appointment Mr. Kennamer told you they would make?—A. I have no knowledge myself that they visited any place, only as I saw them.

Q. Do you know of the registrars failing or refusing to make a single appointment advertised by them?—A. No.

Q. About how long after you heard the registrars had been appointed before Mr. Kennamer called you up over the phone and told you of the appointment?—A. I don't remember exactly; I think it had been a week probably, or something like that.

Q. Did Mr. Kennamer tell you in that conversation over the phone that the appointments for registering voters in the different precincts had just been made by the registrars?—A. He said the registrars were going to start out to registering that day and were going across the river.

Q. How long after you got this message before you came to Guntersville?—A. I came that evening, I think.

Q. When did you have the circulars printed?—A. I never had any struck.

Q. Who gave you the circular that you testified about?—A. I got the circular from Mr. Kennamer.

Q. Is it not a fact that it is an exact copy of the notice sent out by the Democrats?—A. I think so.

Q. And that they also published in the Guntersville Advertiser?—A. I never did see the Guntersville Advertiser notice.

Q. Examine that copy offered here as Exhibit No. 1, and state whether or not that it is the same notice that Mr. Kennamer gave you.—A. I think so.

Q. How many notices did Mr. Kennamer give you?—A. I don't remember, exactly, but we did not have very many; they were very scarce at that time; I do not think he had over a dozen or two.

Q. Do you know where they were printed?—A. I don't remember who printed them.

Q. Who else did you have distributing these notices?—A. There was T. G. Johnson, A. J. Roberts, W. W. Creel, and myself, all on Brindlee Mountain.

Q. Did you circulate the notice among Democrats as well as Republicans?—A. Yes.

Q. It is a fact that your main object was to notify the Republican women to meet the registrars at these appointments?—A. No; I just notified one the same as another; I would go to these little places and tell them that these registrars would be there at these times; I told Democrats as well as Republicans.

Q. Is it not a fact that all the appointments of the registrars except probably the first day or two, was well and thoroughly advertised?—A. I don't think so.

Q. How many men in all were paid by the Republican campaign committee or any one else to distribute these circulars?—A. None that I knew of; I think they all gave their time.

Q. How many were working at it?—A. Four or five.

Q. How long did they work at it?—A. About one and one-half days, or two days.

Q. You spoke of Blue Springs; is not the Blue Springs, or a place called Blue Springs in Red Hill beat in Marshall County?—A. I think not.

Q. Is it not a fact that the registrars posted notices of their round at the courthouse and other public places in the county and also distributed a lot of

circulars announcing these appointments?—A. I don't know; I never saw any on the trip I was making except the ones I had.

Q. Is it not a fact that the first notice was printed in the first issue of the Guntersville Advertiser, a paper published at Guntersville, Marshall County, Ala., after the first notice given out by the registrars?

(Objections.)

A. I don't know what the Advertiser had in it; I did not see it for a month or two after that.

Q. Examine the paper which is attached, marked "Exhibit No. 1," and state if it is not a fact that this notice here was in the paper of October 12, 1920, the day before the registrars were to meet the voters at Warrenton beat?—A. I guess that is a copy of it.

Q. Douglass Academy is on the line between Reed Reed Break and Friendship, is it not?—A. I have always been so informed.

Q. Voters were registered at this place from both precincts, were they not?—A. I don't know, but I think they were.

Q. Did you meet the registrars at any point on their round, and if so, at what place?—A. Yes; I met them at Friendship, at Center Point, and at Boaz, in Red Apple, and perhaps Guntersville.

Q. You advertised the appointment at Center Point thoroughly, did you not?—A. I think it was very well advertised.

Q. How many appeared at Center Point to register?—A. I don't remember just how many, but I think there were about 200.

Q. Was any applicant for registration denied the right to register?—A. None that I know of.

Q. Do you know of anyone who made application to register who was denied the right at any time in the county?—A. Not of my own knowledge.

Q. Did you ever call on the registrars to make a special appointment at any other time or place than those advertised by them?—A. No.

Q. Did you ever at any place get a bunch of women together and notify the registrars to go and register?—A. No.

Q. Do you know of anyone making such request to the registrars?—A. No.

Q. Did you ever make a request or suggestion of any kind to the registrars which was denied?—A. I have, I think; I have a daughter who was teaching school at Gadsden, and I asked them if I could send her a registration blank and let her register there; they said she could not; that it was not lawful.

Q. Of whom did you make this request?—A. All three of the registrars were sitting at the table and I made the request to them, and think it was Mr. Johnson who did the talking.

Q. Did you make this request of either one of the registrars?—A. I asked them there; I don't know which one I was addressing, but they were all present in session.

Q. Did your daughter register?—A. Yes; she came over home and registered.

Q. How long did you diligently and enthusiastically and persistently work in the Republican campaign?—A. About two weeks, I think, maybe a little over, and I worked hard.

Q. Night and day?—A. No; not night.

Q. Is it not a fact that you worked off and on from the campaign of 1918 up to and including the campaign of 1920, in the campaign for Congress especially?—A. Yes; it is a fact that I have worked in the campaign for every Republican nominee for the last 35 years.

Q. Is it not a fact that you put in more time within the time named above than ever before in any campaign?—A. I put in a good deal of time in this campaign and I worked hard, but I have been a candidate at times before, and I could not say that I put in more time in this campaign than at any other time.

Q. Is it not a fact that you paid a lot of poll tax for voters during the time from 1918 to and including the election in 1920?—A. Yes; I paid a right smart of it.

Q. About how many poll tax in your judgment during this time did you pay?—A. I don't remember, but I think I paid something like \$200. Some of them paid up as much as \$25. This by others through me.

Q. Who furnished the money which paid the poll tax?—A. The parties who got the poll-tax receipts.

Q. Don't you know that it is a fact that the Republican campaign committee of the seventh congressional district received a fund from some source with which they paid poll tax?—A. No.

Q. Who else paid poll tax for the voters, that you know of?—A. No one.

Q. How many taxies did you run bringing in women voters to the registrars while they were in session at Guntersville and other places?—A. I never run any.

Q. How many did the Republican committee run?—A. I don't know how many, but I guess there were 25 cars in this county.

Q. Who furnished the money to pay for this?—A. Some of them furnished their own cars without charge; I furnished some money myself to buy gas.

Q. Do you know who furnished the money for this work outside of what you say you furnished?—A. No.

Q. Is it not a fact that some of the women were paid by the Republicans to come and register?—A. No; not that I know; I never heard of it before.

Q. How much campaign fund did you handle during this time?—A. About \$150.

Q. Where did you get this money?—A. We raised it in a Kennamer Club at Boaz, Ala.

Q. You raised a lot of money at Boaz for this contest, did you not?—A. About \$500.

Q. You raised at other places, did you not?—A. I do not know.

Q. You have heard of it, have you not?—A. I have not heard of a big sack full; but I have heard that other people were going to raise some, but I do not know whether they did or not.

Q. About how much has been raised?—A. I do not know.

Q. Do you know Wess Isbell?—A. When I see him.

Q. He is a Republican, is he not?—A. He claims to be.

Q. Is it not a fact that he registered a lot of voters in Thompson's beat before the last registration by authority of Mr. Scruggs, who was then the registrar?—A. I do not know.

Q. Do you know of his paying a lot of poll tax?—A. Yes.

Q. Have you told everything you know?—A. I think I have, but if you will ask more questions you will find out.

Redirect examination:

Q. These poll taxes you paid, did you pay them with your own money or did you pay them with the money which was furnished you by the people whose tax you were paying?—A. I paid with the money furnished me by the persons.

Q. Do you know of any Republican whose poll tax was paid by money other than his own money?—A. No.

Q. When your daughter wrote and asked you to see if she could register without coming home, I will ask you whether or not she stated in her letter that Democratic young ladies, who were boarding at the same place she was, had gotten their registration certificates without having to go home?

(Objection.)

A. Yes; she said there was a young lady boarding at the same place, and who lived in south Alabama, that had got her registration blank and she filled it out and sent it back.

Recross-examination:

Q. You paid some poll tax for which the people promised to pay you, did you not?—A. I lent Noah Bartless \$20 to pay his poll tax, and he said he would pay it back in a few days, which he did.

Q. In other words, you paid his poll tax for him on his promise to pay the money back to you?—A. No; he was going to send the money by some one else to pay his tax, and I loaned it to him; afterwards he left \$20 with me, and I brought it and paid his tax.

Q. Did you pay anyone else's tax that way?—A. No.

Q. Did your daughter ever request the board of registrars to register her by letter or written application?—A. I think not.

O. J. BROWN.

(Contestant offers a certificate of the secretary of state showing the result of the election on November 2, 1920, for Congress in the seventh Alabama district, which is hereto attached and marked "Exhibit No. 2.")

(Objections.)

CURTIS RUSSELL, being examined, says:

Q. Where do you live?—A. At Cross Roads, in beat No. 2, Marshall County, Ala.

Q. What is your age?—A. Twenty-eight.

Q. Do you know Mr. James F. Scruggs, one of the registrars of Marshall County?—A. During and since the recent registration.

Q. Did he come to your father's and mother's residence during the period of registration and register any voters?—A. Yes.

Q. Do you remember what day of the week or what day it was?—A. No.

Q. Do you remember whether it was during the time they were supposed to be sitting at Guntersville for the registration of voters?—A. Well, I don't really know that, but it was either the last day or the day before the registration closed.

Q. What time of day was it?—A. I don't remember, but it was in the daytime.

Q. Was either one of the other registrars with him—Mr. J. O. Johnson or Mr. George Roberts?—A. No.

Q. Your father and mother are Democrats are they not, and you yourself are a Democrat?—A. Yes.

Q. Do you remember how many registered there that day?—A. Seven.

Q. How many were Democrats and how many were Republicans?—A. I know how three voted; two voted Democratic ticket, one Republican, and two did not vote at all.

Q. The Cross Roads beat is a strongly Democratic beat, is it not?—A. Yes.

Q. Your father and mother live in Cross Road beat?—A. Yes.

CURTIS RUSSELL.

Mrs. MAGGIE JOHNSON, being examined, says:

Q. You are the wife of Mr. J. O. Johnson, are you?—A. Yes.

Q. Your husband was one of the registrars in the registration last fall?—A. He was.

Q. Were any voters registered at your home during that registration?—A. Not that I know of.

Q. Were you with Mr. Johnson at any time when he by himself registered any voters?—A. No.

Q. Were any of the registration blanks signed up by the registrars and left with you to be delivered to any voters?—A. No.

Q. You did not deliver any registration certificates that had been filled out by the registrars?—A. No.

Mrs. MAGGIE JOHNSTON.

It is agreed by and between the contestant and the contestee, through their legal representatives, that C. B. Kennamer, contestant, may be examined as a witness in his own behalf at this time, instead of being examined at Boaz, Ala., on the 11th, as designated in the notice served on the representatives of contestee, without waiving any of the objections heretofore made.

C. B. KENNAMER being called says:

Q. Where do you live?—A. Guntersville, Marshall County, Ala.

Q. What is your age?—A. Forty-six years old.

Q. How long have you lived in Marshall County, Ala.?—A. Born and reared in the county and have been a citizen of the county all my life.

Q. Were you a qualified elector at the election held last November in this county?

(Objections.)

A. I was.

Q. Were you the Republican nominee for Congress, at that election, for this district?—A. I was.

Q. Did you take an active part in the campaign?—A. Yes.

Q. State whether or not you were diligent in your efforts to keep up with the progress of the campaign in all of its aspects?—A. Yes.

Q. Did you make diligent inquiry to ascertain when registration would begin and where it would be held?—A. I did.

Q. Did you apply in person to any member or members of the board of registrars for this information?—A. My recollection is the registrars were appointed on Wednesday or Thursday before they commenced their registration

the following Monday; as soon as I learned who they were, which was on Thursday, I think, I commenced inquiring from George Roberts, one of the registrars, to find out when they would hold their first meeting and make up their itinerary of the county. Mr. Roberts told me that just so soon as he could get the information himself he would give it to me. I made this inquiry as much as two times Thursday, two or three times Friday, and a number of times Saturday. On Saturday our Circuit Court was in session for Marshall County, at Guntersville; some case was being tried that attracted a large crowd of people from over the county. While the trial was in progress in the court room I noticed two of the registrars, Mr. J. O. Johnson and Mr. Scruggs, frequently entering one of the witness rooms adjoining the court room; I looked in that room without entering and saw these two registrars in conference with Mr. J. B. Stearnes, chairman of the Democratic executive committee of Marshall County, and Mr. R. E. Walker, the Democratic nominee for county commissioner in the district from the north side of the river. I again went to Mr. Roberts's barber shop and told him that as the time was very short for making a registration of the woman vote of the county, I desired a list of the appointments so I could send my friends abroad in the county to notify the people. I suggested to Mr. Roberts that if he would get the list I would go into the court room where a large crowd was assembled from all portions of the county and that I would request Judge Haralson to suspend court for a moment and allow the list read publicly. Mr. Roberts told me that he himself was in favor of doing it and that he would do all he could to get the list for me; this conversation was somewhere near 10 o'clock Saturday morning. I went back to see Mr. Roberts some two or three times between that time and 3 o'clock that afternoon; each time he told me that he would do his best to get the list and let me have it as soon as he did.

During this time I continued to see the other two registrars going in and out of the room where Mr. Stearnes and Mr. Walker were. Somewhere about 3 or 4 o'clock I saw Mr. Johnson and Mr. Scruggs leaving town; I again requested the list of Mr. Roberts. He told me they had made out a list of appointments but that he himself had been unable to get a copy of the list, but that he understood that the registration would commence on the north side of the river Monday.

I then requested that if he should be able to get the list that I would be glad to have it Sunday, and he told me that he would give me all the information he could get about it. I did not learn anything any more definite until early Monday morning. I came down in town and found Mr. Roberts and he told me the list was then being printed by the Guntersville Advertiser; and he gave me from memory an outline of the appointments. I went to see the editor of the Guntersville Advertiser, and he informed me that he had just printed some posters advertising the registration appointments and my best recollection now is that I at that time obtained 15 or 20 of these posters at the Advertiser office. I then and there made arrangements to have the Advertiser print from the same plate a thousand of the posters for me. I went to my home called Mr. T. J. Brown and Mr. J. D. Pruitt over the long-distance telephone and requested them to come to my place as soon as possible.

Q. Was Mr. Roberts the only registrar who resided in Guntersville?—A. He was.

Q. How far from Guntersville did Mr. Johnson live?—A. Twelve miles.

Q. How far from Guntersville did Mr. Scruggs live?—A. About the same distance.

Q. The first you saw of Mr. Scruggs and Mr. Johnson after their appointment was announced, they were in conference with Mr. J. B. Stearnes and Mr. R. E. Walker?—A. Yes; they were going in the room where these gentlemen were.

Q. This room, I will ask you if it was the room regularly occupied by Mr. Stearnes as back-tax collector?—A. It was.

Q. Is Mr. Stearnes a Democrat or a Republican?—A. A very partisan Democrat.

Q. I will ask you if Mr. Stearnes resides in the precinct which the registrars first visited when they started out on their round?—A. He does.

Q. I will ask you if Mr. R. E. Walker resides in the second precinct, which they visited on their round?—A. He does.

Q. I will ask you if the third precinct they visited was the former home of Mr. Walker?—A. Yes; he lived many years in that precinct and has a good many kinsfolk in it.

Q. Are those three beats Democratic or Republican?—A. Democratic.

Q. What are the Republican beats on the north side of the river?—A. Buck Snort is about half and half; Kennamers is strongly Republican, and Wrights is strongly Republican, Bosharts is strongly Democratic.

Q. Are Buck Snort, Wrights, and Kennamers near or remote from Guntersville?—A. They are three of the most remote precincts from the county.

Q. Is communication in that portion of the county easy or difficult?—A. Very difficult, across the Tennessee River from Guntersville with no bridge and upon or across Gunters Mountain.

Q. Is there any telephone communication on that side of the river from Guntersville?—A. At that time there was not.

Q. What hour does the mail leave Guntersville for the north side of the river?—A. About 10 o'clock.

Q. Just one mail a day?—A. Just one a day, and it goes to Grant, over on Gunters Mountain, and it is the second day after mail is sent out from Guntersville before it reaches a great deal of that country.

Q. How does mail reach Kennamers beat from Guntersville?—A. Generally by way of Huntsville to Woodville, Ala., in Jackson County, and from Woodville to Kennamers Cove.

Q. What hour does mail leave Guntersville over that route?—A. At that time—about 9 o'clock—in the morning, and once a day.

Q. What time does it reach Woodville?—A. About 5 p. m. on the same day.

Q. When does it go out from Woodville to Kennamers beat?—A. The following day.

Q. How does mail from Guntersville reach the greater part of Wrights beat?—A. By leaving Guntersville at 9 a. m. in the morning by way of Huntsville to Scottsboro, Ala., or by leaving at 6 p. m. by way of Attalla and Chattanooga, Tenn., to Scottsboro, and from Scottsboro from a R. F. D. route into Wrights beat. No letter mailed at Guntersville by either of these routes can reach Wrights precinct until the second day following.

Q. A letter mailed at Guntersville at 8 o'clock on Monday, what would be the earliest time it could reach that portion of Wrights beat just referred to?—A. In the ordinary channels of mail, it would not get there until Wednesday.

Q. How many of these circulars issued by the board of registrars did you ever see, few or many?—A. Those printed by authority of the board, I saw very few.

Q. I will ask you if you saw any Democrat at any time busying himself distributing circulars advertising registration appointments?—A. I did not.

Q. Did it ever come to your knowledge of any of these circulars going through the mails from the board of registrars or from any Democratic source?—A. No.

Q. When was the first newspaper publication of these registration appointments?—A. In the issue of the Guntersville Advertiser of October 12, 1920, which was printed late in the afternoon of Tuesday, after the registration had commenced on Monday.

Q. Bearing in mind the hour this paper was printed on this particular occasion, when could it leave Guntersville by mail?—A. These papers for general distribution over the county are placed in the post office late in the afternoon on Tuesday and go out over the county in the mail leaving Guntersville on Wednesday.

Q. I will ask you if you were at that time chairman of the Republican executive committee of Marshall County?—A. I was.

Q. Were you invited to join the conference with the registrars and Mr. Starnes?—A. I was not.

Q. Did you participate in any conference with the registrars other than what you have stated passed between you and Mr. Roberts?—A. About the time they were leaving I spoke a word or two out in the street with Mr. Scruggs, and that is the only word I had with any of them except Mr. Roberts.

Q. Did Mr. Scruggs give you any information?—A. He seemed to be in a very great hurry and I failed to get any information from him.

Q. You spoke of getting Judge Haralson to have the announcement made of the list of appointments; is he a Democrat or a Republican?—A. Democrat. But is always very accommodating about permitting announcements to be made in his court that are of a general public interest.

Q. I will ask you if, during that registration and subsequent thereto, you came in contact with a great many people from various portions of Marshall County?—A. Yes.

Q. State whether in your judgment those registration appointments were poorly or well advertised.—A. They were poorly advertised.

Q. About what hour in the morning was it when you first obtained a list of these registration appointments?—A. Mr. Roberts gave me the times and places from a pencil memorandum he had of them about 8 or 8.30 that Monday morning.

Q. The Monday registration began?—A. Yes.

Q. What time did the registrars leave Guntersville that morning?—A. About 10 o'clock.

Q. How far is it from Guntersville to Kennamers Cove going by way of North Claysville, thence to Honey Comb, thence to the voting place in Paint Rock beat, thence to Grant, and thence to Kennamers Cove?—A. About 40 miles.

Q. What kind of roads were there at that time?—A. More than half of it were exceedingly rough.

Q. State the course of their second day's list of appointments.—A. As I remember it, from Kennamers to Wrights, the way they had to travel at that time, 10 miles; from Wrights to Bosharts, about 8 miles; from Bosharts into Kirbys, 8 miles; and crossing the river; from Kirbys back down through Wakefield, 7 miles; from Wakefield to Guntersville, 10 miles.

Q. What sort of roads?—A. Very bad.

Q. Is Kirbys beat Democratic or Republican?—A. It is now Republican.

Q. How do mails get from Guntersville to that part of the country?—A. From Guntersville by way of Scottsboro, from Scottsboro to Langston, and from Langston to Kirbys precinct by way of R. F. D. route.

Q. How long does it ordinarily take a letter to get from Guntersville to Kirbys beat?—A. The second day following the mailing. Mailed on Monday it would ordinarily get there the following Wednesday.

Q. After calling Mr. Brown and Mr. Pruitt, what steps did you take to give publicity to the registration appointments?—A. They came to my house Monday afternoon; I told them that it was too late for us to get anyone across the river in time to do any good in that section, and I gave them all the posters I had printed at that time and instructed them to start immediately through Warrenton precinct, and on to Brindlee Mountain, giving all the publicity they possibly could to the coming of the registrars. I told them to keep going, keeping a day or two ahead of the registrars, notifying the coming of the registrars, and stirring the people up to meet them at their appointments for registration. I told them to employ or enlist the services of other Republicans in this work.

Q. After the registrars started their tour of the county and began their sitting at the courthouse at Albertville and at the courthouse at Guntersville, what steps did the Republican organization find it necessary to resort to in order to get the Republican women to the courthouse?—A. Due to the short time for giving publicity to the appointments of the registrars in the rural precincts and the failure of the rural voters to find out and meet these appointments, it became necessary, in order to comply with the law, for the Republican organization to enlist the services of a large number of automobiles and automobile trucks to haul the Republican voters from the rural districts to the courthouse at Guntersville and Albertville. A very large per cent of our Republican woman vote of the county was hauled from 10 to 20 miles in order to meet the requirements of the registration law as administered by the registrars.

Q. I will ask you if a large per cent of the Republican women of the county were unable to be gotten to the registration places after all of these efforts?—A. Due to the very short time in which we had to meet the requirements of the law and the way it was administered, in my judgment from 500 to 800 Republican women of this county failed to register.

Q. Was this the first opportunity afforded the women of Marshall County for a general registration of the women after the ratification of the woman suffrage amendment?—A. Yes.

Q. On what date did the legislature assemble?—A. September 14, 1920.

Q. Was there any public demand for the assembling of a special session of the legislature for any other purpose than that of passing a law to provide for the registration of the women of the State?

(Objections.)

A. There was not.

Q. I will ask you if the Republican State organization, early in August, 1920, passed a resolution requesting the governor promptly to convene the legislature in special session in order that a law could be passed at an early date that would give ample time to the women of the State for registration?—

A. They did.

Q. Did you, as secretary of the Republican State committee, transmit a copy of that resolution to the governor of the State of Alabama?

(Objection.)

A. I did.

Q. Did you ever get any reply to your communication?—A. I would not be certain, but my recollection is that I received a very short formal acknowledgment of the receipt of the communication.

Q. Do you recall whether the bill providing for the registration of the women was passed on the very last day of the session?—A. That is my recollection and understanding.

Q. And from its passage until the appointment of the registrars there elapsed a period of from October the 2d to about Wednesday or Thursday, October the 13th or 14th, before the registrars for the several counties were announced?

(Objections.)

A. The registrars for the counties in the congressional district were announced about the 6th, 7th, and 8th of October.

Q. Have you before you a copy of the governor's message that he sent to that special session of the legislature?—A. I have.

Q. Please read into the record paragraph 2 of that message?

(Objection.)

A. "The immediate occasion for the session, and the first subject embraced in the call, is the emergency created by the ratification by the requisite number of States of the nineteenth amendment to the Constitution of the United States. Prompt action is necessary for the removal of discrimination against citizens of the State on account of sex, in order that the women of Alabama who are qualified under our constitution may be granted the privilege of voting in the November election. This matter should receive your first consideration."

Q. During and subsequent to the registration in October, 1920. I will ask you if you were over portions of all the counties of the seventh congressional district?—A. I was.

Q. I will ask you if this same lack of notice of the registration appointments prevailed in all the counties?

(Objection.)

A. It did.

Q. In your judgment from what you saw and heard as you traveled through the district during and subsequent to the registration was this registration of the women voters handled in the same manner as it was in Marshall County?

(Objections.)

A. It was in some counties even more unfairly administered than it was in Marshall County. In some counties the registrars would fail to go into strong Republican precincts at all. And in nearly all instances would give much more time and more ample opportunities for registration in strong Democratic centers than would be given in strong Republican communities.

Q. I will ask you if there was a single, solitary Republican registrar in the entire seventh Alabama district?

(Objection.)

A. There was not, and on the contrary every one of them became very active and zealous in their support of the Democratic nominee for Congress.

Q. Have you before you a record of the probate office of Marshall County showing the result by precincts of the election in Marshall County on November the 2d last, for Congress?—A. I have.

Q. Please read that into the record? Give the name and number of each precinct in numerical order, giving the vote cast in each precinct for Rainey and that cast for Kennamer?

(Objection.)

Precinct.	Rainey.	Kennamer.
No. 1, Gunterville.....	456	142
No. 2, Cross Roads.....	75	13
No. 3, Big Springs.....	49	33
No. 4, Albertville.....	847	400
No. 5, Jaybird.....	59	158
No. 6, Wakefield.....	51	21
No. 7, Claysville.....	159	23
No. 8, Bosharts.....	82	43
No. 9, Kennamers.....	28	59
No. 10, Honeycomb.....	36	27
No. 11, Paint Rock.....	88	21
No. 12, Oleander.....	120	80
No. 13, Rock Spring.....	132	243
No. 14, Warrenton.....	94	138
No. 15, Red Hill.....	73	35
No. 16, Friendship.....	204	453
No. 17, Kirby.....	81	114
No. 18, Thompson.....	241	303
No. 19, Bucksport.....	64	69
No. 20, Red Apple.....	343	557
No. 21, Cranford.....	65	105
No. 22, Reed Break.....	94	250
No. 23, Wrights.....	24	175
No. 24, Hoopers.....	94	109
No. 25, Grassy.....	121	74
No. 26, Arab.....	172	220
No. 27, Union Grove.....	178	39
Total.....	4,030	3,904

Cross-examination :

Q. Do you know of anyone in Marshall County who did not know of the appointment of the registrars of their rounds as published?—A. No; I have made no effort to charge my memory with the names of such people.

Q. Did you ever ask or request any member of the board of registrars to do or perform a service for you in the line of their duties which they or either of them refused or failed to do?—A. Mr. Roberts failed to get me the list of appointments on the Saturday before registration commenced on Monday, but in my judgment, Mr. Roberts really desired to comply with my request, but the other registrars and Democratic politicians of Marshall County, knowing of the cordial, personal relations that existed between Mr. Roberts and myself, in my judgment, refused to let him have the information.

Q. It is then your judgment that Mr. Roberts did not know himself when these appointments were made?—A. No. I don't believe the other registrars and Democratic chairman fully informed Mr. Roberts of what they were doing.

Q. That is only your suspicion or opinion and not based on any fact of which you are in possession, is it not?—A. It is my judgment, based on the things I saw that day and the conversations I had with Mr. Roberts.

Q. Is it not a fact that all the things you saw which you now refer to has been stated in your direct examination?—A. In substance I have stated substantially all that I remember.

Q. Do you know what the two registrars were conferring about with Mr. Stearnes, the Democratic chairman, and Mr. Walker, the Democratic commissioner, on the occasion you referred to?—A. I have no direct personal knowledge, but have a very pronounced opinion as to what it was about.

Q. It all, then, hinges on your opinion?—A. I don't know what you mean by it all. If you mean the general workings and manipulations of this registration, some of it is opinion, some of it I saw with my own eyes, and things that I have personal knowledge of.

Q. I have reference to your opinion about the conference of the registrars as to whether or not it was really a conference about appointments or some other business?—A. Mr. Roberts, who communicated with the other registrars several times that day, told me that they were engaged in the work of making up these appointments.

Q. Did Mr. Roberts tell you that they were making up the appointments in Mr. Stearns's office or at the time of which you speak of the conference?—A. Mr. Roberts did not tell me at what particular place the work of making the appointments was going on, but he did tell me during the period from 10 to 2 or 3 o'clock on that Saturday that the registrars were engaged in

that work, and I know of my own knowledge that most all that time the registrars were in the same room with Mr. Stearns and Mr. Walker.

Q. Is it your opinion that Mr. Roberts, one of the registrars, gave you a correct list of these appointments as soon as he was informed of them?—A. My opinion is that Mr. Roberts received a general outline of these appointments sometime Saturday afternoon, but that he did not get the official list made up by the other two registrars and Mr. Stearns until Monday morning.

Q. Is it not a fact that you and Mr. Roberts, one of the registrars, are close personal friends?—A. We are.

Q. Is it not a fact that Mr. Roberts supported Mr. Street, a Republican nominee for Congress, against John L. Burnett in his last race?—A. That is my information.

Q. Is it not a fact Mr. Scruggs, another member of the board, supported Mr. Street as a Republican nominee?—A. I have no information as to that and have never heard it discussed.

Q. Do you know personally the members of the board of registration in Marshall County?—A. Yes.

Q. Are they men of good character?—A. Their general characters are good.

Q. The list of appointments were published in the first issue of the Guntersville Advertiser, a newspaper published at Guntersville, the county seat of Marshall County, Ala., after they were made, were they not?—A. They were.

Q. Handbills of the appointments were also printed on Monday after the appointments were made on Saturday, were they not?—A. They were.

Q. It is a fact that you received in person some of these handbills while they were being printed and before they were delivered to the registrars, is it not?—A. I received a few of them just after they were printed, but I do not know what disposition the printer made of the others printed for the registrars.

Q. Did you ever request of the printer for the registrars a supply of these notices?—A. As soon as I found the printer had printed these posters for the registrars I made application for a supply, and was informed that there was a very limited number in his possession. I immediately arranged with the printer to print a thousand on my own account, and I made no further effort to obtain copies from any other source.

Q. Did the printer inform you that he had delivered the bulk of the notices to the registrars?—A. I have no recollection as to what disposition the printer said he had made of the ones printed for the registrars.

Q. There is telephone connections and was at the time of registration to every precinct on the north side of the river, was there not?—A. No.

Q. Did you try to phone there at that time?—A. After I found out on Sunday that the registrars were going to the north side of the river on Monday I called a kinsman of mine over the long-distance telephone, by way of Huntsville to Woodville, Ala., in Jackson County, and asked him to get the word into Kennamer precinct for the people to be on the lookout for the registrars Monday or Tuesday, that I had information that they were coming to that section on those days.

Q. How far is Woodville, Jackson County, from Kennamer's Cove precinct in Marshall County?—A. About 5 miles to the voting place.

Q. Is it not a fact that you were informed that this message was conveyed to the people of the precinct before the registrars arrived?—A. I don't know that that particular message was, but on Monday, the day the registrars started, a citizen of Kennamer's precinct came to Guntersville to serve as a juror; he was excused about noon, and I instructed him to hurry back to Kennamer precinct and spread the news that the registrars would be there that night.

Q. Did you tell him to spread the news to Republicans or Democrats and Republicans?—A. I told him to spread the news in general, but to use his utmost efforts to get the Republican women out to meet the registrars. I was sure at the time, and am now, that the news was being spread secretly to the Democratic women Saturday night, Sunday, Sunday night, and Monday by the chairman of the Democratic county executive committee, who lived on that side of the river, and Mr. R. E. Walker, the Democratic nominee for commissioner, who lived on that side of the river.

Q. So far as you know, of your own personal knowledge, the Republican women had as much knowledge and information of the appointment to register as the Democratic women did?—A. In my judgment, they did not.

Q. Do you know of any fact, or can you state any fact, on which you base your judgment?—A. Yes. The fact that the chairman of the Democratic county executive committee and Mr. Walker, the nominee for commissioner, were in conference with these two registrars so much during the time the appointments were being made, and the further fact that both these gentlemen went to the north side of the river on Saturday evening before these registrations were to commence Monday, and my intimate, personal knowledge of the way Democratic politics is played in this country lead me to know that the word was being sent to the Democrats of the north side of the river where and when to meet the registrars.

Q. It is a fact that Mr. Stearnes and Mr. Walker each reside on the north side of the river, and always go home on Saturday?—A. Yes; usually so.

Q. Do you know, or have you information from any source, that Mr. Stearnes or Mr. Walker clandestinely notified the Democratic women to appear for registration on the north side of the river at this time?—A. I only believe it from the facts and circumstances already testified to at this hearing.

Q. Is it not your opinion that it would be almost an impossibility to circulate a report among the Democrats of this kind that would not reach the ears of the Republicans?—A. In my opinion it would be easy enough to do at a time when political alignments were as tightly drawn as existed at that time, and when there was no more time to elapse in which the secret might get out.

Q. You stated that you never saw any more of the notices published by the registrars than those you received from the Advertiser office; did you not know whether any were sent through the mails to different places or not, do you?—A. I don't know anything about that.

Q. Do you know whether or not notices of the appointments of the registrars were posted at the courthouse and other public places?—A. I know none were posted at the courthouse before 10 or 11 o'clock Monday, the day the registration commenced. As to where and when they were posted after that I do not know, if any were posted.

Q. Is it not your opinion that the Republicans were as well informed and advised of the registration in this county as the Democrats?—A. In some sections, I think they were; in others, I think not.

Q. Is it your opinion that any person was cut out of registering on account of not knowing of the appointments of the registrars?—A. Yes; hundreds of them.

Q. You state hundreds of them were cut out of registering on account of their not knowing of the appointments of the registrars; will you please name as many as you can?—A. I have made no effort whatever to charge my memory with the names of these people and, in fact, have had very few of their names called to my attention. I predicate my judgment on the information I have received from responsible Republican citizens throughout this county. If you want me to I can name many such citizens.

Q. Has your committeemen in any part or precinct of Marshall County furnished you with the names of a single person, Republican or Democrat, who was not given an opportunity to register?—A. Mr. Charley McNaron, from Reed Break precinct, told me that there was not less than 50 Republican women in that precinct who failed to register because of the proper opportunity, and he named over some of them, but I made no attempt to recollect their names, for I knew that in the short time we would have for taking testimony in this contest and the difficulties to be encountered in locating and getting to a place of examination all these hundreds of women, scattered over the broken, mountainous section of Marshall County, that we would never attempt an examination of them.

Q. Have you ever had any woman summoned as a witness in Marshall County who failed to get an opportunity to register?—A. No.

Q. Have you the name of any woman who failed to register on account of not having a proper opportunity to register?—A. No.

Q. There was as much time and more given in Republican precincts as there was in Democratic precincts, was there not?—A. Some cases there was, and some there was not.

Q. Name one where there was not?—A. In the Republican precincts of Wrights and Kirbys there was no notice given; in the strong Democratic precincts of Oleander and Union Grove they had from the first announcement of the tour of the registrars on Monday morning until Wednesday to find out and know of the registration. In the very strong Democratic precincts of Albertville and Gunterville they had from 7 till 12 days' notice of the coming of the registrar.

Q. Is it not a fact that Albertville and Guntersville are both county seats of Marshall County and under the law people can register at either of these places from any precinct of the county?—A. Guntersville, of Marshall County, and Albertville is a place at which a branch of the circuit court of Marshall County is held, and my understanding of the registration law is that it was made legal for voters to register at these places from any section of the county during the sitting of the registrars at these places.

Q. And does not the law provide that the board sit longer at these places than at other places in the county—that they divide the time between the two places after completing their rounds?—A. That is my understanding of the law.

Q. Time was very short, was it not, in which to register the thousands of women who registered in this county?—A. Yes; too short, and designedly made so.

Q. That it was designedly made so is an opinion or conclusion, is it not?—A. It is my judgment.

Q. Did you pay a lot of poll tax for the voters who were due a poll?—A. I never in any one year paid more than three or four poll tax in my life, and never paid for anyone except on a few occasions when some one would leave the money with me or send the money to me to make such payments for them.

Q. Do you know of any Republican who did pay poll tax for those who voted the Republican ticket?—A. I do not.

Q. Do you know of a fund the Republicans had in Marshall County in 1918 or 1919 for paying poll tax of delinquent poll-tax payers who voted the Republican ticket?—A. I know of no such fund.

Q. Do you know of a lot of poll tax which were paid by or for Republicans who were delinquent?—A. I do not; all I know about that is that for years the Republican workers of this county have encouraged and educated their voters up to the paying of their poll tax so that they might be qualified voters.

Q. Do you know how much was raised in this district, or how much money was contributed to the support of this contest?—A. The Republicans of Alabama, by voluntary contribution, have donated about twenty-two or three hundred dollars for the prosecution of this contest, a great deal of this money coming from men and women of very meager circumstances scattered throughout the seventh congressional district, who felt so indignant over the way their rights as citizens in this supposed-to-be-free Republic that they were willing to sacrifice of their means in an attempt to vindicate before the American Congress their rights as citizens.

Q. Is that all of the fund for this contest?—A. We are still receiving, from day to day, small donations; I don't know how much it will finally amount to, but I feel sure there will be enough to complete the work we have undertaken.

Redirect examination:

Q. In order to thoroughly sift that election and eliminate all the illegal votes cast, what in your judgment would it cost?—A. The seventh congressional district of Alabama is composed of seven counties of large area, averaging, I judge, 700 or 800 square miles to the county. It is a very broken, mountainous country, with very poor roadways, and a very large per cent of the voting population is in the rural sections of the district; and there were almost 47,000 votes cast in the recent congressional election, and to undertake to, by a process of elimination, determine the number of legal votes cast for each candidate for Congress would require not less than two years' time and from \$50,000 to \$75,000.

Q. I will ask you if as a rule the Republican strength of the district lies in the rural sections?—A. Very much so.

Q. I will ask you if as a rule the Democratic strength of the district is the county-seat towns of the district?—A. It does.

Q. Where short notice of registration is given and there is little time allowed for registration, in favor of which party will that operate in the seventh Alabama district?—A. Very much in favor of the Democratic Party. With the towns of Guntersville and Albertsville eliminated from the results my majority in Marshall County would have been over 600. Those two towns gave more majority against me than Captain received in the district. With the town of Gadsden, in Etowah County, alone eliminated, I would have been elected with more than 1,500 majority. At every town in the district where

the registrars sat for several days with ample notice of their appointments. large majorities were polled against me, except in the town of Cullman.

Q. I will ask you if the Democratic Party of this State is still engaged in an effort to further restrict the right of suffrage in this State?—A. They are.

Q. Was the Legislature of Alabama, which met in September, 1920, a Democratic or a Republican body?—A. A very large majority was Democratic in both house and senate.

Q. Is the governor a Democrat or a Republican?—A. He is a Democrat.

Q. Have you before you the official published acts of that special session of the legislature?—A. I have.

Q. Will you please read into the record from that volume an amendment to the constitution of the State of Alabama relating to the suffrage proposed by that legislature and voted on in this State on last Tuesday?—A. "A person to be entitled to register or vote must in addition to the qualifications already prescribed be of good character and must understand the duties and obligations of citizenship under a republican form of government."

Q. Is this the circular that you had printed?—A. It is.

(The circular is hereto attached, marked "Exhibit No. 3.")

CONTESTANT'S EXHIBIT NO. 3.

[Headquarters Republican Executive Committee, Blount County. "Americanism—one flag—the U. S. flag." Campaign committee: J. B. Sloan, chairman, Oneonta; J. W. Hughes, secretary treasurer, Oneonta; J. T. Johnson, Oneonta; D. E. Moody, Oneonta, route 1; L. W. Latham, Oneonta; J. B. Stephens, Oneonta, route 1; L. B. Shirley, Oneonta; Amos Gibbs, Oneonta; T. M. Davidson, Oneonta.]

ONEONTA, ALA., October 29, 1920.

HON. E. G. ALDREDGE,

Judge of Probate, Blount County, Oneonta, Ala.

DEAR SIR: We hereby demand that you furnish a sufficient quantity of official ballots to each and every voting precinct in Blount County, Ala., that every voter in said precincts may have one to cast his ballot in the general election on November 2, 1920.

Very truly, yours,

D. E. MOODY,

*Chairman Republican Executive Committee, Blount County, and also
Chairman Congressional Campaign Committee for Blount County, Ala.*

J. B. SLOAN,

Chairman Blount County Campaign Committee.

C. H. STEVENSON,

Secretary Blount County Executive Committee.

J. W. HUGHES,

Secretary Campaign Committee.

Recross-examination.

Q. Is it not a fact that the Republicans of Alabama voted against that amendment?—A. In my opinion, practically every Republican in Alabama, who voted at all in that election, voted against that amendment.

Q. Is not that practically the same as is now in the constitution of Alabama?—A. No; I don't think there is any such provision now in force in the present State constitution.

Q. Do you know of a single illegal vote cast in Guntersville or Albertville at the last election?—A. Yes; in my opinion, every one of the women who registered out at Mr. Solley's home, away from the courthouse, in Guntersville, were illegal, and my information is that a considerable amount of the same kind of registrations were made at Albertville.

Q. Is that all of the illegal votes that you know of of your own knowledge?—A. Yes; of my own knowledge.

Q. Is that all you know of, from your own knowledge or information?—A. I have some information to the effect that some absentee ballots were cast at Albertville, where the voter received such absentee ballot through the mail without having first made written application for the same, as required by law.

Q. Who was it?—A. Two, that I now recall: one was named Morgan and one was named Allbritten; I do not recall their initials or given names.

Q. Who informed you that they did not make application that the law requires?—A. I heard Mr. Cooper McNaron testify under oath to the facts.

Q. Did he have charge of the records?—A. He did not.

Q. Do you know of any others?—A. I do not.

Q. You were at Guntersville and at the polling place on election day, were you not?—A. Yes. Several times, in and out, throughout the day.

Q. In your judgment, was the election at Guntersville fairly and legally conducted?—A. No.

Q. In what particular was it unfairly and illegally conducted?—A. At one time, when I was about the polling place, I saw an old gentleman by the name of Simms come in and call for a ballot, using this language: "I want a ticket to vote the straight Republican ticket," and Mr. Sterlin Tidwell, one of the Democratic inspectors, replied to him, "We have no such tickets here." Mr. Simms is rather an illiterate man, and doubtless believing Mr. Tidwell's statement turned to leave the polling place, and I called him to come back, and I told Mr. Tidwell there at the time that he as an inspector of that election had no legal right to treat a voter in that way. At another time, during the holding of the election, Mr. Talmage Long, a young man I had designated a marker for me, came to me and reported that Mr. W. C. Rayburn, the Democratic returning officer, had come to Long and told him that unless he quit marking ballots for Kennamer for Congress that he, Rayburn, would get out an organized movement among the Democrats to defeat the father of said Talmage Long, who was a candidate in that election in Guntersville precinct for the office of justice of the peace, and Mr. Long did finally quit acting as such marker for me, and for quite a little time I was without a marker while the election was in progress. At several times during the progress of the election the polls were badly congested with Democratic partisans, as many as 25 or 30 attempting to vote at the same time, which made considerable confusion. And there was no election booths provided and no separate voting district provided for each 300 votes as required by law.

Q. Is it not a fact that Mr. Tal. Long's father had no opposition for justice of the peace in the precinct?—A. He had no opponent, but justices of the peace were elected by writing the name of candidates on the ballots, and a movement of that kind could have been made at any time during the election.

Q. Is that all of the illegality that you know of or heard of at the Guntersville box?—A. I believe that is all I can think of now.

Redirect examination:

Q. Mr. Rayburn asked you about illegal votes; I will ask you if you have made any effort to ferret out and identify illegal votes which have been cast?—A. I have not.

Q. Have your attorneys in this contest advised you that if you undertook to contest this election along any such line as that it would be a physical impossibility?—A. That is the advice I have received from my attorneys.

Recross-examination:

Q. If you do not expect to win this contest on illegal votes cast at the election, on what grounds do you expect to win on?—A. I expect and believe that the evidence in this contest will be clear and convincing to impartial, fair, minds that but for the wholesale, illegal manner in which Democratic voters were registered, and, of course, voted against me, and that but for the cold-blooded conspiracy and plan devised by the Democratic leaders of Alabama to make hard and difficult the registration of the Republican women in the rural district of the seventh congressional district and the practical denial of their constitutional and legal rights to register and vote in said election, I would have undoubtedly been elected as a Representative in Congress from this district on the 2d day of last November by from 2,000 to 3,000 majority.

C. B. KENNAMER.

FRIDAY, FEBRUARY 11, 1921.

(Contestee makes the same objections as were made on the beginning of this examination at Guntersville, Wednesday, February 9, 1921.)

Mrs. PHILIP W. LETT, being called says:

Q. Do you live at Boaz, Ala.?—A. Yes.

Q. I will ask you if you registered last fall anywhere?—A. Yes.

Q. Where did you register?—A. Guntersville, Ala.

Q. Do you remember what day it was?—A. No; I don't know; I did not register in Guntersville in person, I was in south Alabama at the time.

Q. What place in south Alabama?—A. Lower Peachtree, Ala. We had been called there by reason of the death of Mr. Lett's father.

Q. Please state how you managed to register as a voter in Marshall County while you were at Lower Peachtree, Ala.?—A. I sent the necessary information to the registration board in Guntersville, Ala.

Q. Now, will you please state how you sent that information?—A. By letter.

Q. To whom did you address the letter?—A. F. M. Barnes.

Q. Is he the Baptist pastor at Guntersville, Ala.?—A. Yes.

Q. Please state just what you wrote Mr. Barnes, as nearly as you can.—A. There was not anything written except the date of my birth and asked him to turn that letter over to the board. Nothing more that I remember of.

Q. You did not send along any written oath?—A. No.

Q. Did you get a registration certificate by mail then?—A. Yes.

Q. Have you that certificate with you?—A. Yes.

Q. Mrs. Lett I think this paper that you produce is absolutely illegal and void, and that it will be necessary for you to register again when an opportunity is offered, and if you do not object I would like to attach this paper to your deposition?—A. I object to that.

Q. From whom did you receive the letter that brought to you this certificate?—A. I do not know.

Q. It came by mail to you?—A. Yes.

Q. Did you vote at the election on the 2nd day of November, 1920?—A. I did.

Q. Did you vote the Democratic or Republican ticket?—A. Democratic.

The attorney for the contestant here read the certificate furnished by the witness, as follows:

STATE OF ALABAMA,

Marshall County.

Certificate of registration. This is to certify that Mrs. Lillie Kennedy Lett, who was born on the 11th day of September, 1888, and who resides in precinct No. 20, district No. —, had registered as provided by the laws of this State.

Given under our hands this 23d day of October, 1920.

J. F. SCRUGGS,

Chairman.

J. O. JOHNSON,

GEO. ROBERTS,

Registrars.

(Counsel for contestee admits that the certificate or the names of the registrars appear to have been signed or written by the same hand. But not admitted to be in the handwriting of the same person.)

Q. You are the wife of the Baptist pastor at Boaz, Ala.?—A. Yes.

Q. Did you preserve the letter that accompanied the registration certificate?—A. No.

Q. Do you know of any other person that was registered in that manner?—A. No.

Q. Did anyone write to you before you wrote asking for a registration certificate?—A. No.

Cross-examination:

Q. Just explain how it was that you registered, just give your own statement of it.—A. We did not know just whether we could register that way or not, so Mr. Lett wrote and sent the information, that is the day of my birth, to Brother Barnes and asked him to see if a registration certificate would be granted and send same to us at Lower Peachtree, Ala. And I received the certificate.

Q. How long have you lived in Marshall County, Ala., Mrs. Lett?—A. Since December, 1918, and in Alabama since September, 1918.

Q. How long have you lived in Red Apple precinct?—A. Since December, 1918.

Q. You were a qualified voter under the laws of Alabama, were you not?—A. Yes.

Mrs. PHILIP W. LETT.

P. W. LETT, being examined, says:

Q. Do you live at Boaz, Ala.?—A. Yes.

Q. You have lived in this State and county for how long?—A. I came into the State in September, 1918, and into this precinct at Boaz, Ala., in December, 1918.

Q. You are the pastor of the Baptist Church at Boaz, Ala.?—A. Yes.

Q. Please state what you know about the way in which your wife was registered as a voter in the fall of 1920.—A. Just before the date of registration we were called home on account of the illness and death of my father; and wishing to vote I wrote to Barnes at Guntersville to find out if my wife could register by mail and sent them that information, and later received this certificate.

Q. Did any letter accompany the certificate?—A. I don't remember that we received any letter.

Q. You had previously registered yourself, had you not?—A. Yes.

Q. Do you remember when you registered?—A. Tenth day of January, 1920.

Q. Who was the registrar?—A. I do not know him personally; he was the man who registered everybody else.

(The certificate submitted by the witness was signed by Mr. J. F. Scruggs, who was the registrar, and the only registrar of the county at the time, and bears date of January 10, 1920.)

Q. Did you vote in the election of last November?—A. I did.

Q. Vote the Democratic or Republican ticket?—A. Democratic.

Cross-examination:

Q. When was the next general election after you registered?—A. I don't remember.

Q. Would you have been in Alabama two years next preceding the general election November 2, 1920?—A. I came in September, 1918. And would have been in the State two years next preceding the 2d day of last November.

Q. How long had you been in Marshall County?—A. I have been here since December, 1918, and in the precinct the same length of time.

Q. You are a qualified voter under the laws of Alabama, are you not?—A. So far as I know I am.

Q. Paid all poll tax assessed against you?—A. Yes; I have paid my poll tax.

P. W. LETT.

Mrs. C. D. WRIGHT, being examined, says:

Q. Do you live at Boaz, Ala.?—A. Yes.

Q. When did you take up your residence at Boaz, Ala.?—A. I came here the 5th day of June, 1920.

Q. From what place did you come?—A. From Dekalb County, Ala.

Q. Did you register last fall?—A. Yes.

Q. Did you vote in the November election?—A. Yes.

Q. Did you vote the Democratic or Republican ticket?—A. Democratic.

Q. Your father-in-law is the editor of the local Democratic paper in Boaz, Ala., is he not?—A. Yes.

Mrs. C. D. WRIGHT.

Mrs. LOU MICHAEL, being called, testified:

Q. Where do you live—in what county?—A. Etowah County, Ala.

Q. I will ask you if you registered at Gadsden, Ala., last fall?—A. Yes.

Q. Can you read and write?—A. No.

Q. Did you vote in the election last fall?—A. Yes.

Q. Did you vote the Democratic or Republican ticket?—A. Democratic.

Q. What property did you own at that time?—A. None at that time.

Cross-examination:

Q. You understand the duties of citizenship under our kind of a government, do you not?

(Objection.)

A. I don't understand what you are asking me about, you will have to explain it up before I can understand it.

Q. That is you understand how to act and how to do as a citizen, do you not?

(Objection.)

A. Yes, sir.

Mrs. Lou (her x mark) MICHAEL.

Witness:

J. S. FRANKLIN.

Mrs. S. A. COSTNER, being called, says:

(Objection to the examination of this witness because the name which appears in the list served on contestee is Mrs. Costner, and because it is indefinite and uncertain as to which Mrs. Costner they intended to examine.)

Q. What county do you live in?—A. I live at Aurora.

Q. How long have you lived there?—A. A little over two years.

Q. How long have you been living in Alabama?—A. All my life.

Q. I will ask you if you applied in company with Mr. Max Byers to the board of registrars at Gadsden for registration as a voter last fall?

(Objections.)

A. Yes.

Q. When you went with Mr. Byers did they register you or refuse to register you?

(Objections.)

A. Yes; they refused me then.

Q. What reason did they give for refusing to register you?

(Objection.)

A. Because I could not write my name.

Q. Was Mr. Max Byers with you when you went to the registrars the first time?—A. Yes.

Q. Did you go back later to the room of the board with Mr. Walker?—A. Yes.

Q. Do you remember going with Mr. Walker to the board a second time?—A. Yes.

Q. Did they register you that time?—A. Yes.

Q. You had not learned to read and write since you were there that morning, had you?—A. No.

Q. I will ask you if Mr. Byers told you when you and he left the registrars for you to get some Democrat to help you?

(Objection.)

A. No.

Q. Did you vote in the election last November?—A. Yes.

Q. Did you vote the Democratic ticket?—A. Republican.

Q. Is there any other Mrs. Costner living down there in your community?—

A. No; not that I know of.

Cross-examination:

Q. Did the registrars ask you whether you were a Democrat or a Republican, when you applied for registration?—A. No.

Q. Did they ask you any questions?—A. They asked me if I had any property.

Q. Well, did you?—A. No; they said if I had \$300 worth they would write my name.

Q. You did vote the Republican ticket?—A. Yes.

Q. Has anybody questioned your right to vote?—A. No.

Q. You say you can't read and write?—A. No.

Q. And you have no property at all?—A. Nothing to amount to anything; I have one cow.

Q. Who did you vote for for Congress?—A. I marked my ticket under the elephant.

Q. Who marked your ticket for you?—A. I don't remember. I did not know the man.

Q. Did he mark it where you told him?—A. Yes.

Mrs. S. (her x mark) A. COSTNER.

Witness:

J. S. FRANKLIN.

M. O. BYERS, being called, says:

Q. Where do you live?—A. Boaz, Marshall County, Ala.

Q. How long have you been living in Boaz?—A. I have been here off and on for 10 years.

Q. Do you know Mrs. S. A. Costner?—A. Yes.

Q. I will ask you if you went with her before the board of registrars in Gadsden, Ala., and applied for registration for her as a voter?—A. Yes.

Q. Did they register her or refuse to register her?—A. They refused to register her.

Q. What ground, if any, did they assign for refusing to register her?—A. Because she could not read and write.

Q. Are you a Democrat or a Republican?—A. I am a Republican.

Q. Is your politics well known?—A. Yes.

Q. Have you ever made any secret of your politics?—A. No.

Q. Before you went with Mrs. Costner, I will ask you if you had carried a number of Republican women before that board for registration?—A. Yes; somewhere between 50 and 75.

Q. Did those members of that board know that?

(Objection.)

A. Yes.

Q. Who were the members of that board?—A. I do not know them.

Q. I will ask you if there was a good deal of talk and comment in Gadsden, about the courthouse, about your activity in bringing in Republican women?

(Objections.)

A. Yes; there was.

Q. Did you and Mrs. Costner then leave the board when they refused her registration?—A. She did.

Q. Did you make any suggestion to her or those with her about how they might get registered?

(Objections.)

A. I told Mr. Walker that they might go up to Mr. Franklin's office and get some way provided by which they could register.

Q. Did you hear the advice that Mr. Franklin gave them?—A. I don't remember whether I did or not. I heard so much I can't remember it all.

Q. Do you know whether Mr. N. S. Walker later carried Mrs. Costner before the board?—A. Nothing more than what he told me.

Q. Do you know what has been the previous politics of Mr. Walker?—A. He told me he had always been a Democrat up to this last election.

Q. Do you know Mrs. Ed Eason?—A. Yes.

Q. Did you go with her before the board and apply for registration for her?—A. Yes.

Q. Did they register her or refuse to register her?—A. They did not register her because they said she had not been in the State long enough.

Q. Do you know whether Mr. Robertson later carried Mrs. Eason before the board?—A. I told her that Mr. Robertson was going to carry some ladies before the board and register them as Democrats, and she might get through that way. Mr. Robertson is here.

Q. I want to ask you whether or not the appointments of the registrars in Etowah and Marshall Counties were thoroughly or poorly advertised?

(Objections.)

A. Poorly, I should think.

Q. Were you taking a pretty active part in the campaign?—A. Yes.

Q. Did you see any Democrat busying himself with circulars trying to give any notice of the registrars appointment?—A. No.

Q. Which were the more active in trying to let the people know when and where they could find the registrars—the Democrats or the Republicans?

(Objection.)

A. Republicans—I spent two days myself.

Q. As you traveled did you give general notice of the time and places of registration?—A. Yes; to everybody I saw.

Q. Did you make any effort to keep the news away from the Democrats?—A. No.

Cross-examination:

Q. Do you know of anyone, either Republican or Democrat, who was denied the right to register?—A. Yes. Mrs. Reed in Etowah County, Ala., on Bob Lacker's place.

Q. Why was she not registered?—A. She could not sign her name.

Q. Who else?—A. Mrs. Butler, in Etowah County, on Ros's place.

Q. Why did they not register her?—A. Because she could not sign her name.

Q. Who else?—A. I have about 10 or 15 down there, but I can not recall their names.

Q. Why do you remember these names that you have just called?—A. Because they have lived near-by, and I have known them for several years.

Q. Where did the others live?—A. They live around Aurora.

Q. Are you not well acquainted around Aurora?—A. Not very well.

Q. You have been in and about there a great deal?—A. Not very much.

Q. Are these two that you named the only ones that you know of that you can name who were denied registration?—A. I remember one more now—Mrs. Moore. This is all I remember now.

Q. Where is she?—A. She is on Straight Mountain.

Q. Why did they not register her?—A. Because she could not sign her name.

Q. Do you know whether or not they were afterwards registered?—A. No.

Q. Do you know whether or not they voted?—A. No.

Q. You say the appointments of the registrars was poorly advertised; in what way do you mean they were poorly advertised?—A. I did not see any notice of it, and I talked with people in two miles of the place of registration on the day before the time who did not know anything about it.

Q. So far as you knew the Republicans knew as much about the appointments of the registrars as the Democrats did, did they not?—A. I could not say about that; I could not tell.

Q. Is it not a fact that the Republicans had any number of men riding through the country to notify the people of the times and places of registration?—A. I know of a few.

Q. How many?—A. I could not call but about three now.

Q. They were running taxis carrying in women to register, were they not?—A. Yes.

Q. It is a fact that they worked diligently during the time of registration getting all of the Republican women they could to register, is it not?—A. Yes.

Q. Do you know of any one in Marshall County who did not register on account of not knowing the times and places of registration?—A. I don't believe I do.

Q. Do you know of a single voter in Marshall County who was denied the right to register?—A. No.

Q. Do you know of a fund the Republicans had for paying poll tax of delinquent Republican poll-tax payers?—A. No.

Q. You have heard of such fund, have you not?—A. No; that is a new one on me.

Q. Did you receive compensation for rounding up and carrying to the registrars, the Republican women?—A. Yes.

Q. How much per day, or for your time?—A. Not anything for my time.

Q. How much did you receive?—A. I received \$25 for expenses of the truck.

Q. Who paid this expense?—A. Mr. W. E. Snead.

Q. How long did you work at this business?—A. I don't remember; it was several days.

Q. Do you know how much was paid for other trucks or taxis to carry women to register?—A. No.

Redirect examination:

Q. All these women who were refused registration were Democrats or Republicans?

(Objections.)

A. Republicans, so they told me.

Q. You spoke of a number of them residing near Aurora; what county is Aurora in?—A. Etowah County.

Q. Was it the Etowah County board that refused them registration?—A. Yes.

Q. I will ask you if most of your activities in getting the women to the registrars was confined to Etowah County?—A. Yes; principally, all of it.

Recross-examination:

Q. Did those women you say were denied registration by the Etowah County board tell the registrars whether they were Democrats or Republicans?—A. Some of them told me they asked them how they would vote, and some said they did not. Some of the registrars asked some of the women how they were going to vote, and others they did not.

Q. Which one of these women told you that?—A. Mrs. Butler for one, out here about three miles. She is the only one I can now recall.

M. O. BYERS.

N. S. WALKER, being called, testified as follows:

Q. Where do you live?—A. Etowah County, Aurora beat, Ala.

Q. You know Mrs. S. A. Costner?—A. Yes.

Q. After she went in company with Mr. Max Byers before the registration board, did you then carry her back before the board?—A. Yes.

Q. Up to this last election, what had been your politics?—A. I had always been a Democrat.

Q. Is your family a Democratic family?—A. Yes.

Q. When you carried Mrs. Costner before the board, state whether you furnished the board with the names of two men who would vouch for Mrs. Costner?—A. Yes.

Q. What was the names of the gentlemen you furnished?—A. W. R. Walker and E. W. Buffington.

Q. Are they Democrats or Republicans?—A. Democrats.

Q. What kin is W. R. Walker to you?—A. Half brother.

Q. Did you tell the registrar what, if anything, your brother, W. R. Walker, was doing for Cox and Rainey at any time?—A. I told them that he was at work for Cox and Rainey, but this was not the registrar who registered her.

Q. When you carried Mrs. Costner before the board did they register her?—A. Yes.

Q. Did they ask her any questions?—A. No.

Cross-examination.

Q. So far as you know, the board did not know how Mrs. Costner intended to vote?—A. No.

Q. You say you told the board W. R. Walker and Mr. Buffington would vouch for Mrs. Costner; in what way did you mean they would vouch for her?—A. They asked for the name of two persons who knew her, and those were the names I gave.

Q. Did they say to get some one to vouch for her as to how she would vote. is that what they meant?—A. No.

Q. Was there anything said at all about how she intended to vote?—A. No.

Q. Then all you know about whether or not they knew or had heard how she was going to vote was what somebody had told you other than the registrars, was it?—A. I did tell them that W. R. Walker was working for Cox and Rainey.

Q. You did not hear them say anything about how she was going to vote, did you?—A. No; they did not say anything about how she was going to vote.

N. S. WALKER.

Mrs. BUTLER MOON, being called, says:

Q. You are the wife of Mr. Butler Moon?—A. Yes.

Q. Did you register as a voter last fall?—A. Yes.

Q. Please state just how you registered, before whom, and how you got your registration certificate.—A. Mr. Worthy, Mr. Ben Worthy, took my affidavit and sent it to Guntersville. I don't know how the registration certificate got back; my husband gave it to me later on.

Q. Mr. Worthy; is he a Democrat or a Republican?—A. Democrat.

Q. Is he an officer of any kind?—A. Justice of the peace.

Q. He lived near you, a neighbor of yours?—A. Yes; the children came there to school, not very far, I don't know just how far.

Q. How long after Mr. Worthy took your affidavit before Mr. Moon handed you your certificate?—A. I don't know, but I think it was the same day.

Q. Neither Mr. J. F. Scruggs, Mr. Ollie Johnson, or Mr. George Roberts was present when Mr. Worthy took your affidavit, nor when Mr. Moon delivered to you your certificate?—A. No.

Q. Did you vote at the November election?—A. Yes.

Q. Did you vote the Democratic or the Republican ticket?—A. Democratic.

Cross-examination:

Q. You are over 21, are you not?—A. Yes; 62.

Q. You are a qualified voter under the laws of the State of Alabama, are you not?—A. Yes.

Mrs. BUTLER (her x mark) MOON.

Witness:

J. S. FRANKLIN.

BUTLER MOON, being examined, says :

Q. You are the husband of the Mrs. Moon who has just testified, are you not?—
A. Yes.

Q. Will you please state just what you know about how she was registered and got her registration certificate last fall?—A. Mr. Ben Worthly came there and took her affidavit, and it was sent to Guntersville, and, if I mistake not, Mr. Goss handed the certificate to me as they came back; several went in the car. He stopped there and handed it to me, and I gave it to her.

(The certificate above referred to is not present at the examination.)

Q. Do you know of any others that Mr. Worthly registered?—A. I do not.

Q. What is Ben Worthly's politics?—A. Democrat, from the way he talks.

Q. And he talks a right smart about politics, does he not?—A. He talks some and has talked to me a few times.

BUTLER MOON.

Mrs. ED. EASON, being called, testified :

Q. What county do you live in?—A. Etowah County, Ala.

Q. Did you apply for registration to the registration board at Gadsden, Ala., in company with Mr. Max Byers?—A. Yes.

Q. When you went that time did they register you or did they refuse to register you?—A. They refused to register me.

Q. What ground did they say they could not register you on?—A. Because I had not been in the county 12 months.

Q. Had you been in Etowah County 12 months at that time?—A. No.

Q. Did you later in the day go back with Mr. J. A. Roberson, the gentleman standing there?—A. Yes.

Q. Did they register you that time?—A. Yes.

Q. Before you went back the second time did Mr. Roberson have a talk with Mr. Walter Sitz?—A. I don't know who it was, but it was some man there at the courthouse.

Q. Did that man fix up some papers for you?—A. Yes.

Q. You then went back with Mr. Roberson and with the papers?—A. Yes.

Q. Were any questions asked you that trip?—A. They only asked me if I could write.

Q. And you wrote your name and registered?—A. Yes.

Q. You did not vote at the election?—A. No.

Cross-examination :

Q. Mr. J. A. Roberson is a Republican, is he not?—A. I don't know.

Q. Did they ask you what ticket you would vote or say anything to you about that?—A. No.

RILLA EASON.

J. A. ROBERSON, being examined, says :

Q. Where do you live?—A. In Carlisle precinct, Etowah County, Ala.

Q. You know Mrs. Eason, the lady who has just testified?—A. Yes.

Q. After she had been refused registration by the registration board at Gadsden, did you again carry her before that board?—A. Yes.

Q. Between her two trips to the board, I will ask you if you had a conversation with Mr. Walter Sitz, the tax assessor of Etowah County?—A. Yes.

Q. State what was said in substance between you and him about registering Mrs. Eason and some other ladies who were with you.—A. I went to him and told him that I had some women there that could not sign their names and that if we did not do something that the other side was going to carry it. He told me that he would fix that all right. And he fixed out the papers.

Q. Did you then go with the women and carry the papers before the board?—
A. Yes.

Q. Were any questions asked?—A. No.

Q. Were they all registered?—A. Yes.

Q. What is Mr. Sitz's politics?—A. Democrat.

Q. He is tax assessor of Etowah County, is he?—A. Yes.

Q. Did Mr. Sitz have to go and get the papers, or did he have them already there?—A. No. He had them there in his office.

Q. Did you see about how many he had?—A. He had a great stack of them there.

Cross-examination:

Q. What is your politics?—A. I vote a Republican ticket.

Q. You knew Mr. Sitz and he knew you?—A. Yes.

Q. You live in Etowah County?—A. Yes.

Q. How many women did he register?—A. Five.

Q. All Republicans?—A. Yes.

Q. How long had you been working in this business?—A. This was my first and only trip.

Q. You do not know, of your own knowledge, that the board had turned down any of them?—A. No.

Q. There was no questions asked, were there?—A. No.

Q. Mr. Sitz did not ask you how the women were going to vote, did he?—A. No.

Q. Did you know whether or not they voted?—A. Part of them did, I know.

Q. What ticket did they vote?—A. I only know how one of them voted; she voted the Republican ticket

J. A. ROBERSON.

J. A. ROBERSON, being recalled, says:

Cross-examination:

Q. What kind of paper was it that Mr. Sitz gave you?—A. It was an oath paper and he swore the women.

Q. Mr. Sitz is an officer, is he not?—A. Yes.

Q. You carried the paper, or they did, and gave them to the board and there were no questions asked?—A. Yes.

Redirect examination:

Q. Were there other men and women there before Mr. Sitz having similar papers fixed up?—A. Yes.

J. A. ROBERSON.

A. J. ROBERTS, being examined, says:

Q. Where do you live?—A. At Whitesville, Marshall County, Ala.

Q. Were you one of the Republican nominees for county office at the election held on November 2 last?—A. Yes. Tax collector.

Q. Did you take an active part in the campaign?—A. Yes.

Q. Did you spend part of your time at the place of registration of voters while registration was being held at Guntersville?—A. Yes; that and at Albertville also.

Q. I will ask you if you saw lists of names brought to the place of registration and those names transcribed from those lists onto the registration book?—A. Yes.

Q. About how many times did you see that done?—A. Five or six times, if not more.

Q. Who brought in these lists?—A. George Roberts and J. F. Scruggs.

Q. About how many names, in your best judgment, were on each of these several lists—just estimating from what you could see of them?

(Objections.)

A. There were different; sometimes there would be 8 or 10 and sometimes there would be near 30, and one time there was as high as 35.

Q. Who put those names on the registration book?—A. Ollie Johnson usually did the work.

Q. The gentlemen you have just named, are they the three registrars?—A. Yes.

Q. These names that were brought in; on what sort of a paper were they written on?—A. They were usually written on this yellow paper like they have at the courthouse; and sometimes on a little daybook.

Q. The sheet of paper, when written on sheets of paper, were those sheets in a permanently bound form, or were they loose leaves?—A. Loose.

Q. Did this occur at both Albertville and Guntersville?—A. Yes.

Q. Were you with the board all the time?—A. I was with them a part of every day but not the entire time.

Q. Did either one of these registrars ever tell you that if you would get a crowd of women together one or more of them would go out and register them for you?—A. No; I asked them to once or twice and they said they were too busy and did not have time.

Q. Were you present one day when quite a crowd of women from Kirby neighborhood were brought by some leading Republicans to the place of registration at Guntersville?—A. Yes.

Q. Did you hear part of a conversation that occurred between Mont Hodges and one of the registrars?—A. I heard a part of it, but I could not understand what was said.

Q. While talking I will ask you if these two men cast their eyes toward this group of women?—A. Yes.

Q. Which one of the registrars was that?—A. George Roberts, I think.

Q. I will ask you if immediately following that whispered conversation you saw Mr. Mont Hodges take into his possession a supply of blank registration certificates?—A. Yes.

Q. Could you tell about how many he got?—A. It looked to be some 25 or 30 or possibly more; that would be my best judgment.

Q. Did he have them the last you saw of him on that occasion?—A. Yes.

Q. Mr. Hodges a Democrat or a Republican?—A. Democrat.

Q. I will ask you if he is not a strong partisan?—A. Yes.

Q. I will ask you if it was frequently the case while the board was sitting at Guntersville and Albertville that one or two of the registrars would be absent from the place of registration for hours at a time?

(Objection.)

A. Yes; most of the time two were absent. I mean the most of the time that they were absent.

Q. I will ask you if it is not the fact that many of the ladies who went to Albertville and to Guntersville to be registered were registered before only one registrar?—A. Yes.

Q. Was this going on all the time the registrars were sitting at Albertville and Guntersville?—A. Yes; up to the time the registration books closed.

Q. Either of these registrars ever give you any advance information of any trip they were making out to register voters? I mean advertised appointments?—A. No.

Q. Did you make any effort to get any information from either of the registrars before they started on their first tour of the county as to when and where they would go for the registration of voters?—A. Yes. On Saturday before the registrars started on Monday, Mr. C. B. Kennamer and I tried all day to find out where they were going and when they were going to start. We were talking principally to George Roberts, and I talked some to Mr. Scruggs but did not mention it to Mr. Johnson.

Q. Just state what passed between you and Scruggs about it?—A. I asked Scruggs when and where they were going to start. He said they did not know themselves. I spoke to him about it two or three times during the day and that was his reply each time.

Q. Did Scruggs ever, before they started on their rounds, give you any more information than that?—A. No; nor none of the rest of them did.

Q. Did you see Scruggs and Johnson in conference with J. Bush Stearnes on that Saturday?

(Objection.)

A. Yes.

Q. How many times did you see them together there that day?—A. Off and on all day. Them and Gordon Gilbreath were together.

Q. Is Gordon Gilbreath the Democratic probate judge of Marshall County?—A. Yes.

Q. Is Stearnes a Democrat or a Republican?—A. Democrat.

Q. Do you know any meaner Democrat in the county than Bush Stearnes?

(Objections.)

A. It would be hard to find. He is what you would call a yellow-dog Democrat.

Q. Is he chairman of the Democratic executive committee of Marshall County?—A. I understand that he is.

Q. Was any public notice given of the list of appointments of the registrars before they started on their rounds?—A. Not that I know of.

Q. Do you remember when it was and where it was that you first saw a printed list of the registrars' appointments?—A. Yes; it was at Guntersville on Monday the day they started, about 10 o'clock, which was a written list which Mr. C. B. Kennamer had, and it was Tuesday following that I first saw a printed list. This was about 2 or 3 o'clock in the afternoon when I saw it.

Q. From that time on until the election, I will ask you if you were in the various portions of Marshall County?—A. Yes.

Q. From what you saw and heard on these trips were the list of appointments of the registrars well or poorly advertised?

(Objection.)

A. Poorly.

Q. I will ask you if, during the registration period, you tried to give publicity to this list of appointments?—A. Yes; that was my business out.

Q. Did you encounter any Democrats who were out trying to give publicity to it?—A. No.

Q. In giving publicity to it, did you confine your efforts to Republicans only or did you give general notice?—A. Mostly Republicans.

Q. Did you announce publicly at places?—A. No.

Q. I suppose you were doing it like the Democrats; notifying your own crowd?—A. Yes.

Q. How many days were you out giving notice of it?—A. I could not say exactly, but some 4 or 5 days.

Q. After the registrars had completed their round through the county the first week, I will ask you whether or not there were great numbers of women in the county who were still unregistered?

(Objection.)

A. Yes. I would judge some 70 or 75 per cent at least.

Q. I will ask you if, owing to the insufficient advertisement of the registration appointment, the short time allowed at the several places, it became necessary for the Republican organization to haul a great many of the Republican women to the courthouses at Albertville and Guntersville for distances of from 10 to 20 miles?

(Objection.)

A. Yes.

Q. I will ask you if it is a fact that after the best exertion the Republicans were able to put forth, if hundreds of Republican women remained unregistered when the registration closed in Marshall County?—A. That is my understanding.

(Objection.)

Q. Did you ever learn in advance of any of these side trips made by the registrars for the registration of voters, until after such trips had been made?—A. No.

Q. Did you examine the registration certificates presented by Mrs. Lett this morning?—A. Yes.

Q. State whether in your judgment all three of the signatures to that certificate are in the same handwriting.

(Objection.)

A. In my opinion they are.

Q. In your judgment in whose handwriting are those three signatures?

(Objection.)

A. Scruggs.

Q. Is he one of the registrars?—A. Yes.

Q. Do you know Brother Butler Moon?—A. Yes.

Q. Is he a minister of the Gospel?—A. They say he is.

(Objection.)

(Cross-examination :

Q. Now, you say you saw George Roberts and J. F. Scruggs and Ollie Johnson putting names on the registration books at Guntersville. These are the three registrars for Marshall County, are they not?—A. Yes.

Q. Did you know any of the parties whose names they were putting on the books at Guntersville?—A. I may have at the time and did, I guess, but I do not now recall any of the names.

Q. Do you know where they got the names?—A. No; nothing more than what they said.

Q. Who said?—A. The registrars.

Q. Where did they say they got them?—A. On their trips out.

Q. Was not there Republicans on the list the same as Democrats?—A. Not that I know of.

Q. There could have been and you not have known it?—A. Yes.

Q. You did not know the politics of all the women whose names appeared on those lists?—A. No. There was a very small per cent of their names that I even heard or saw. I mean of the names brought in on those lists.

Q. You say you asked the registrars to go some place to register; will you please state who you asked and where you asked him or them to go?—A. The first time I asked Mr. Scruggs to go to Mr. Dumas Howard's—there were some women that were sick there—and he said that he did not have time. The next time Mr. McNaron wanted to go somewhere, I do not remember just where, and I asked either Mr. Scruggs or Mr. Roberts, one, to go, and the answer he gave me was that he had more appointments than he could fill. If I am not mistaken, it was Will Daniel, and I asked them to go out in Hooper's beat and register some old ladies, and they said they could not possibly go. I don't recall any other time I asked them to go out now.

Q. When and where were these requests made?—A. I do not remember the dates, but it was while the registrars were at Albertville.

Q. Was it day or night?—A. Daytime. We usually went to them with kind of requests while they were at lunch.

Q. How far was the place you asked them to go the first time you asked them to go?—A. To the best of my knowledge, it was about 2 miles.

Q. Was there several women at Dumas Howard's to register, and had they requested you to have the registrar come out there?—A. I think there were two. One was sick and the other one had a sick baby. Mr. Howard requested me to ask them to go.

Q. Did the other women at the other places ask you to request the registrars to come out and register them?—A. No. Mr. McNaron asked me to see them and get them to come out there.

Q. Do you know how many women were at the other places mentioned by you or whether there was any women at those places to register?—A. I don't remember how many, and as I did not go I did not see any women. On these trips we offered to furnish a car to take the registrars.

Q. Did you ever at any time tell the registrars that there were a number of women gathered at a particular point who had requested you to tell the registrars to come and register them?—A. Nothing only these sick women. We told them very often that we gather them up a bunch of women if they would go and register them and they refused.

Q. What did they say?—A. They would give us different answers. Sometimes they would say they were too busy and sometimes they would say that they had other appointments. Mr. Scruggs told me at one time that he had all of that kind of work that he could do. I don't remember of any other answer that he gave me at this time.

Q. Do you know of any woman in Marshall County who was denied the right to register because she did not know that the registration was going on at the time?—A. No one in my community.

Q. Do you know of any in the county?—A. Nothing only what I have heard.

Q. I am talking about your own knowledge?—A. Nothing more than what I have heard.

Q. You stated in your direct that there were hundreds of Republican women unregistered; do you mean in this county or some other county?—A. I did not make that statement. I stated that I understood there were.

Q. You have only heard this and don't know of your own knowledge of any Republican woman in the county who was not registered, do you?—A. I don't recall the names of any.

Q. You stated that you saw the registrars in conference with J. Bush Stearnes and Judge Gilbreath at Guntersville; do you know anything about what they were conferring?—A. Nothing only what they said.

Q. What did they say?—A. They said they were trying to get together and come to some understanding about what they could do about registering the women.

Q. Was that all they said about it?—A. They promised two or three times that when they found out what they could do they would let us know.

Q. They did let you know, did they not?—A. They did not let me know.

Q. So that was all there was that you know about the conference, was it?—A. Yes.

Q. The conversation you heard between George Roberts, one of the registrars, and a man by the name of Mont Hodges, the time you say they cast eyes around at some Republican women, was there anything said or done at that time?—A. There was something said but I don't know what it was.

Q. Were the women denied registration?—A. No.

Q. Do you know, of your own knowledge, of any Republican woman who was denied registration in this county?—A. No.

Q. So far as you personally know, they were every one registered, were they not?—A. So far as I personally know, there was none. But I have heard there were a number of them in different parts of the county.

(Objections to the last part of the answer.)

Q. What kind of blanks was it you say Mont Hodges got?—A. Registration certificates. I was not close enough to see whether they were signed or not. I tried to get a look at them to see.

Q. You were there watching, were you?—A. I was there assisting women to register.

Q. You don't know whether they were registration blanks or some other kind of blanks, do you; or notices?—A. I certainly do.

Q. You say you could not tell whether they were blank or signed. Then, will you please explain how you could tell what they were?—A. The blanks were put up in pads, something like an inch thick, and he tore off a bunch of them and handed them to Hodges. I mean one of the registrars. I do not recall whether it was Scruggs or Roberts.

Q. What did they say?—A. I could not understand what they said.

Q. How close were you to them?—A. I was some 8 or 10 feet, and the room was crowded.

Q. People were talking all around?—A. Yes.

Q. You state that it was necessary to convey a lot of Republican women to Albertville and Guntersville from different parts of Marshall County to register; is it not a fact that Democratic women also went to these places to register in great numbers?—A. At Albertville there was a great number of them. Most of them lived there in town. At Guntersville there was not nearly so many. But a good many at each place. I don't know of but a few Democratic women that was hauled from much distance.

Q. So far as you know, the appointments by the registrars were all promptly filled?—A. Yes; and a great many that were not advertised.

Q. Were you present when they registered in Friendship beat?—A. Yes.

Q. Friendship beat is a strong Republican beat, is it not?—A. Its a Republican beat, but not as strong as it has been.

Q. Do you know about the politics of Claysville beat, where the registrars first appeared to register voters for this registration?—A. Yes; I think they are all Democrats but one and Pick Roden.

Q. It is a fact that a shorter notice, considerably, given to the voters of Claysville beat, of the appointment of the registrars than in Friendship beat where you reside?—A. I don't know. Claysville beat might have had two weeks' notice; I would not be surprised if they did not.

Q. Is it not a fact that the registrars went to Claysville beat for the first appointment in their round for registering?—A. That is my understanding.

Q. How many days after that before they registered in Friendship beat?—A. I could not say exactly, but some three or four or five days.

Q. Is it not a fact that the appointment in Friendship beat had been thoroughly and well advertised, as were all of the beats lying on Sand Mountain?—A. Friendship beat had been well advertised by the Republican committee. As to the other beats on Sand Mountain, except Red Apple, which was well advertised, I do not know.

Q. Red Apple is a Republican beat, is it not?—A. Yes.

Q. Don't you know that it is a fact that notice of these appointments were published on Tuesday after the conference you spoke of in a newspaper published at Guntersville?—A. I do not. If there is a paper published in Guntersville I do not know it, of my own knowledge.

Q. Don't you know that it is a fact that posters were printed on Monday after this conference that you spoke of?—A. I do not.

Q. Is it not a fact that on Monday or Tuesday you received some of the notices that were printed of the appointments of the rounds of the registrars?—A. I got a hold of some of them on Tuesday.

Q. Where did you get them?—A. At Mr. Joe Morton's, over on Brindlee Mountain.

Q. At what voting place were you on the day of the election?—A. Friendship, No. 16.

Q. Was not the election there fairly conducted?—A. It was not conducted.

Q. What do you mean by not being conducted?—A. I mean that it was jammed through. There were between six and eight hundred votes polled there, and it was between 9 and 10 o'clock when we got started there.

Q. Who jammed it, the Democrats or the Republicans?—A. Both.

Q. Did they all vote?—A. So far as I know all voted that wanted to.

Q. Did they vote their sentiments?—A. I don't know.

Q. Do you know anybody that did not?—A. No.

Q. Were the votes counted as cast?—A. I suppose they were.

Redirect examination:

Q. How far is it from Guntersville to Joe Johnson's store?—A. I don't know.

Q. I will ask you if the hour of appointment of the registrars at Friendship beat was not just about the hour that the women of that community begin their night work?

(Objection.)

A. Yes.

Q. On the morning of the election did the ballot box and ballots for Friendship beat show up at the voting place on time?—A. No.

Q. How did you manage to get a box and ballots for Friendship beat on that morning?—A. A fellow by the name of Miller brought them in.

Q. Was he one of the election officers for that beat?—A. No; I think not.

Q. Where did he live?—A. He lived in below Douglas somewhere, into the left of Douglas from Center Point. The Miller that brought the box lived in Friendship beat.

Q. Which one of the Millers was that?—A. I won't be positive, but I think it was Berry Miller.

Q. Do you know whether Berry Miller is a brother of Henry Miller, clerk of the probate judge?—A. I think he is.

Q. Did Berry make any statement when he got there as to where he found it or where he got hold of the box?

(Objection.)

A. If I am not mistaken, he said he got it from a man down in Reed Brake beat. I don't remember the man's name.

Q. How many people were on the ground by the time that box got there, the voting place of Friendship beat?

(Objection.)

A. My judgment is there were 250 or 300 voters.

Cross-examination:

Q. What time did the box get there?—A. Something after 9 o'clock.

Q. You don't know why it was late, do you?—A. Not from my own knowledge.

Q. The box was all right, with plenty of ballots in it and other election supplies?—A. So far as I know.

Q. You heard no complaint about there not being enough ballots or election supplies?—A. No.

Q. Do you know of anyone who was denied the right of voting on account of the late arrival of the box?—A. No.

Redirect examination:

Q. To reach Friendship beat voting place do you have to go through Reed Brake from Guntersville?—A. No.

Q. The usual route of travel from Guntersville to a center point in Friendship beat, does it lead through Reed Brake beat?—A. No.

Q. Which is nearer—Guntersville, Douglas, or the voting place in Friendship beat?—A. The voting place in Friendship beat.

A. J. ROBERTS.

J. D. PRUETT, being examined, says:

Q. You live in Boaz, Ala.?—A. Yes.

Q. Are you a Democrat or a Republican?—A. Republican.

Q. I will ask you if you took active election in this county on November 2 last?—A. I did.

Q. Were you present on one occasion when your brother, Sam Pruett, made a request of the board of registrars with regard to the registration of a daughter of his?—A. He made the request of Mr. Roberts, one of the board of registrars.

Q. Where was it made?—A. In Mr. Tarvin's barber shop, at Boaz.

Q. Was that while the board was sitting here at Boaz?—A. It was just after they had adjourned for lunch the day they were sitting here.

Q. Please state what Mr. Pruett said to Mr. Roberts and what Roberts said to him.

(Objection.)

A. He asked Mr. Roberts if he might have a register certificate to send to his daughter, who was teaching in Cullman County, that she might register there. Mr. Roberts said that he could not; that it was absolutely a violation of the law for them to register anybody except those who appeared before the board in person.

Q. Is Sam Pruett a Republican or a Democrat?—A. Republican.

Q. Is the daughter referred to a Republican or a Democrat?

(Objection.)

A. She is a Republican.

Q. Were you present at Guntersville on the day that a large number of Republican women were brought from the neighborhood of Kirbys and Johnson's store to register at Guntersville?—A. I was.

Q. Was Mr. Mont Hodges present while those women were before the board?—A. Yes.

Q. How far did those Republican women travel to get to Guntersville?

(Objection.)

A. Ten or twelve miles.

Q. Over what sort of a road?

(Objection.)

A. An awful rough road.

Q. While these women were registering did you notice any conferring going on between Mr. Mont Hodges and one of the registrars?

(Objection.)

A. I did.

Q. Did you hear any part of what they said?

(Objection.)

A. I heard just a little bit. Mr. Hodges asked for a bunch of those registering certificates and Mr. Roberts said we are running short, but gave him a block of them.

(Objection.)

They went on and said something about this Democratic literature they had, and Hodges got some of that.

Q. I will ask you right there if they converted the registration place into a bureau for the distribution of Democratic campaign literature?

(Objection.)

A. Mr. Roberts immediately got up and some other young man took his place, and he and Mr. Hodges got in a car—went just in front of one of the cars that I was in company with—and went right back up toward the Johnson settlement.

Q. Please answer the question I asked a moment ago.—A. They did.

Q. I will ask you if they handed to white ladies who came there to register pictures of two negro men?—A. I think not. This was the only time I was there.

Q. Was that next to the last day for registration on Monday?—A. It was.

Cross-examination:

Q. You stated in your direct examination that your brother, Sam Pruett, asked Mr. George Roberts, one of the registrars, about sending his daughter, who was in Cullman, a registration certificate; did she ever make a written application to the board for registration?—A. Not that I know of.

Q. Did she register?—A. She did.

Q. You spoke of the distribution of Democratic literature at Guntersville in the office where the registrars were registering; is it not a fact that that literature was distributed by others than the registrars?—A. It was distributed by a lady, who sat by the table where the registrars were registering; they handed her the registration certificate and she handed it, together with some of that literature, to each and every one of those ladies that registered in my presence.

Q. The Republicans were not denied the right to hand Republican literature there at the same time and place, were they?—A. I do not know. There was none being handed out.

Q. Do you know of any request being made by any Republican to distribute literature in the office where women were registering?—A. No.

Q. Don't you know that if the Republicans had desired to distribute Republican literature there at that time and place they could have done so without interruption?—A. No. I do not believe they could have done so without intimidation.

Q. Did anyone try it or make a request to do so?—A. I do not know.

Q. Do you know of a Republican being intimidated?—A. Not to my own knowledge.

Q. Do you know of two large pictures, one of a Negro by the name of Scott and another by the name of Moton, who was said to be appointees of Woodrow Wilson, which were distributed by the Republicans?—A. I saw some such pictures.

Q. Is it not a fact that these pictures were printed and circulated in the seventh congressional district by the Republican campaign committee?—A. I think these were mailed to me from Birmingham from the Republican campaign headquarters.

Q. Were they pretty generally circulated in the seventh district?—A. I don't know how extensively they were distributed.

Q. Did you not see them at different places?—A. I saw them in two or three places.

Redirect examination:

Q. You spoke about Mr. Pruett's daughter registering, did she come in person before the board?—A. She did.

Q. Do you know that the lady who was distributing Democratic literature at Guntersville was a lady appointed by Mr. W. C. Rayburn ostensibly to assist the registrars in the performance of their duties at Guntersville?—A. No. I do not know.

Q. You spoke about the pictures of Scott and Moton, I will ask you if they were gotten out after the Democrats had flooded this district with their Negro picture?—A. I think they were.

Recross-examination:

Q. Were you there present when your brother's daughter registered?—A. I was at Guntersville, but not in the courthouse.

Q. You don't know then, of your own knowledge, whether she registered in person or not?—A. No. I was not in the courthouse when she registered. She was there for that purpose.

Q. Then, all you know about it of your own knowledge is that she came from Cullman to Guntersville for that purpose, but you did not see her register?—A. All I know about it is that my brother went with me to Guntersville and got an automobile and went to Cullman County after her.

(Counsel for contestant states to the witness that when a general question like that is put to him he can state all he knows about, including what his brother told him and what his daughter told him.)

I did not even see her in Guntersville.

Q. Then, you don't know of your own knowledge that she was in Guntersville?—A. I do not.

Redirect examination:

Q. Did you see her on the way to Guntersville that morning?—A. No.

Q. Did you see her after she was registered?—A. No.

Q. Did you see her while she was over here from Cullman?—A. No.

Q. Just state what further information you have about the circumstances of her registration.

(Objections.)

A. My brother went with me to Guntersville on Saturday in my car, and he got a car and went to Cullman County after her and brought her and Miss Vesper Dendy back—this is information that I received from my brother—and when they arrived in Guntersville the registrars had left the courthouse; he and his daughter got on the train and came home and Miss Dendy stayed all night there. Miss Dendy came home the next day, which was Sunday, and came to her father's on the mountain and left there Monday morning about daylight on her way back to her school, and claimed that she had registered. My brother had to send his daughter back to Guntersville on Monday morning to register.

Q. Is Miss Dendy a Democrat or a Republican.

(Objections.)

A. Her father told me she was a Democrat.

Cross-examination:

Q. Is it not a fact that all of your last statement, or practically all, is hearsay?—A. Most of this was told me by my brother.

J. D. PRUETT.

A. J. ROBERTS, recalled, says:

Q. I will ask you whether or not at both Albertville and Guntersville while registration was going on if the registrars or other persons at the spot where registration was being made were engaged in the distribution of Democratic campaign literature?—A. Yes. When a lady would register, her certificate was handed to a lady who would fold it and some Democratic campaign literature and hand it to the lady that had registered. If these ladies who were handing out the literature were absent the registrars would hand the ladies the literature and the certificate.

Q. I will ask you if you saw white women who came to the registration places to register handed pictures of a negro man by the registrars or Democratic women in the place of registration?—A. I did. With such remarks as "This is the Republican Party of the South."

Q. Do you know that the lady who performed this service at Guntersville was appointed by Mr. W. C. Rayburn ostensibly to assist the registrars in the performance of their duty at Guntersville?—A. I hear she was.

Q. Was that currently and generally reported about the place of registration that this was a fact?—A. It was.

Q. I will ask you if you frequently saw W. C. Rayburn in or about the place of registration while this talk was going on?—A. He was there pretty often.

Q. Whose picture was this negro picture that the registrars and these Democratic women were handing out?—A. I can't say the registrars handed them out; but the ladies were handing out Henry Lincoln Johnson's picture.

Q. I will ask you if you saw Mr. W. C. Rayburn distributing that same picture?—A. I don't recall that I did.

Cross-examination:

Q. You all had a negro picture at the courthouse and all around, did you not?—A. I saw some more negro pictures, which were distributed by the Republicans, and I think they were Woodrow's negroes.

Redirect examination:

Q. Which got out their negro pictures first, the Republicans or the Democrats?—A. Henry Lincoln Johnson's picture was the first I saw.

A. J. ROBERTS.

Mrs. RENNA LAND, being called, says:

Q. Do you live at Boaz, Ala.?—A. Yes.

Q. Did you register last fall as a voter?—A. Yes.

Q. Who registered you?—A. Mr. Tom Parker.

Q. I will ask you if he registered his wife at the same time?—A. No. She registered here at town before the board of registrars.

Q. Did she come up before the board?—A. Yes.

Q. At the time you registered, did any one else register?—A. No.

Q. Where were you when you registered?—A. At Mr. Tom Parker's house.

Q. Have you got the certificate that he gave you with you?—A. No; I don't know whether I have it at all or not.

Q. Where did he get the papers that he used on that occasion?—A. I don't know where he got them; he just told me that he had the blank sheets, and if I wanted to register I could do so.

Q. He furnished you a certificate of registration, did he?—A. Yes.

Q. Who signed the paper that he gave you?—A. No one signed it then; it was already signed up.

Q. Did you notice about how many other similar papers he had?—A. No; I did not notice.

Q. Is Mr. Parker a Democrat or a Republican?—A. Democrat.

Q. He is a very active partisan Democrat, is he not?—A. Yes.

Q. Do you know of any others that Mr. Parker registered?—A. No.

Q. You did not vote in the election, did you?—A. No.

(Contestee here objected to all the evidence of the witness because she did not vote in the election.)

Cross-examination:

Q. Did you offer to vote in the election?—A. No.

Q. What is your politics?—A. If I were going to vote, I would vote a Democratic ticket.

RENNA LAND.

CONTESTANT'S EXHIBIT No. 1.

REGISTRATION NOTICE.

Notice is hereby given that the undersigned registrars will be at the following-named places on the dates and hours given below for the purpose of registering those entitled to register as electors. No one can register except in the precinct of his or her residence or at the courthouse. No one is eligible to register except those who have become qualified since January 5, 1920. Please be prompt to meet us at the hour named as our time is limited and we want every one to have an opportunity to register.

Wednesday, October 13: Warrenton, 8 a. m.; Morton's home, 9 a. m.; Nabors Mill, 9.45 a. m.; Union Grove, 10.30 a. m.; Flat Rock, 12 noon; Oleander, 1 p. m.; Eddy, 2.30 p. m.; Arab, 4 to 9 p. m.

Thursday, October 14: Grassy, 8 a. m.; Brashiers Chapel, 9.15 a. m.; Red Hill, 11 a. m.; Blue Springs, 1 p. m.; Nixons Chapel, 2 p. m.; Concord Church, 3 p. m.; Douglass, 3.45 p. m.; Center Point, 4.30 p. m.

Friday, October 15: McVile, 8 a. m.; Hustleville, 9.30 a. m.; Asberry, 11 a. m.; Poplar Springs, 1 p. m.; Martling, 2.30 p. m.

Saturday, October 16: Rices School House, 8 a. m.; Alder Springs, 9 a. m.; Lattiwood, 12 noon; Pleasant Grove, 2 p. m.; Rock Springs, 3 p. m.; J. F. Scruggs, night.

Monday, October 18: Boaz, all day; Albertville, October 19, 20, 21; Gunter'sville, October 22, 23, 25, 26.

J. F. SCRUGGS,
GEORGE ROBERTS,
JAS. O. JOHNSON,
Registrars.

CONTESTANT'S EXHIBIT 2.

OFFICE OF THE SECRETARY OF STATE.

Montgomery, Ala.

I, William P. Cobb, Secretary of State, hereby certify that the result of the election of Congressmen in the seventh Alabama congressional district on November 2, 1920, was as follows:

County.	Number votes received.		County.	Number votes received.	
	Rainey, Democrat.	Kennamer, Republican.		Ramey, Democrat.	Kennamer, Republican.
Cherokee.....	1,975	1,546	Marshall.....	4,030	3,904
Cullman.....	2,608	3,438	St. Clair.....	1,982	2,555
Dekalb.....	3,920	4,859			
Etowah.....	5,655	3,279	Total.....	23,709	22,970
Blount.....	3,539	3,389			

As the same appears on file and of record in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of Alabama, at the Capitol, in the city of Montgomery, this 24th day of November, 1920.

[SEAL.]

WILLIAM P. COBB,
Secretary of State.

CONTESTANT'S EXHIBIT 3.

REGISTRATION NOTICE.

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Thursday, October 14: Grassy, 8 a. m.; Brashiers Chapel, 9.15 a. m.; Red Hill, 11 a. m.; Blue Springs, 1 p. m.; Nixons Chapel, 2 p. m.; Concord Church, 3 p. m.; Douglass, 3.45 p. m.; Center Point, 4.30 p. m.

Friday, October 15: McVile, 8 a. m.; Hustleville, 9.30 a. m.; Asberry, 11 a. m.; Poplar Springs, 1 p. m.; Martling, 2.30 p. m.

Saturday, October 16: Rice's schoolhouse, 8 a. m.; Alder Springs, 9 a. m.; Lattiwood, 12 noon; Pleasant Grove, 2 p. m.; Rock Springs, 3 p. m.; J. F. Scruggs, night.

Monday, October 18: Boaz, all day; Albertville, October 19, 20, 21; Guntersville, October 22, 23, 25, 26.

J. F. SCRUGGS,
GEORGE ROBERTS,
JAS. O. JOHNSON,
Registrars.

NOTICES TO TAKE DEPOSITIONS.

TO L. B. RAINEY, *Contestee*:

Take notice that C. B. Kennamer, contestant, will cause to be examined the witnesses mentioned in this notice at the times and places designated herein, before J. S. Franklin, a notary public and duly authorized commissioner to take the depositions of witnesses for and on behalf of C. B. Kennamer, contestant, and said examinations will be had as herein designated, and will continue from day to day until the examination of said witnesses is completed. The names and addresses of the witnesses, together with times and places of taking same, will be as follows:

At Ashville, Ala., in the courthouse, Monday, February 14, 1921.

A. Crow, sr., J. Manley Inzer, of Ashville, Ala.; and H. W. Shockley, Odenville, Ala.

At Pell City, in the courthouse, Tuesday, February 15, 1921.

J. W. Leachman, Seddon, Ala.; Mrs. P. H. Roberson, Cropwell, Ala.; Mrs. John Maddox, Easonville, Ala.; H. S. Gamble, Vincent, Ala.; Mrs. H. S. Gamble, Vincent, Ala.

Given under my hand this the 9th day of February, 1921.

C. R. ROBINSON,
Attorney for Contestant.

I, C. R. Robinson, attorney for the contestant, hereby certify that I have executed the foregoing notice by serving a copy of same on Hon. J. Valdor Curtis, of Fort Payne, Ala., attorney for the contestee, this the 9th day of February, 1921.

C. R. ROBINSON,
Attorney for Contestant.

TO L. B. RAINEY, *Contestee*:

Take notice that C. B. Kennamer, contestant, will cause to be examined the Hon. H. Gordon Ashley, of Ashville, Ala., at Pell City, Ala., in the courthouse at 10 o'clock a. m., on Tuesday, the 15th day of February, 1921, and from day to day thereafter until the examination of said witness is completed. The examination will be had before J. S. Franklin, a notary public and duly authorized commissioner to take depositions for and on behalf of C. B. Kennamer, contestant.

Given under my hand this the 12th day of February, 1921.

THOS. H. STEPHENS,
Attorney for Contestant.

I, T. H. Stephens, attorney for C. B. Kennamer, contestant, hereby certify that I have executed the foregoing notice by serving a copy of same on Alto V. Lee, of Gadsden, Ala., attorney for L. B. Rainey, contestee, this the 12th day of February, 1921.

THOS. H. STEPHENS,
Attorney for Contestant.

TO L. B. RAINEY, *Contestee*:

Take notice that C. B. Kennamer will cause to be examined before J. S. Franklin, a notary public and duly authorized commissioner to take depositions of

witnesses for and on behalf of C. B. Kennamer, contestant, Miss Nettie Neely, of Pell City, Ala., at the courthouse in Pell City, Ala., February 15, 1921, and from day to day thereafter until the examination of said witness is completed. Said examination will begin at 9 o'clock a. m.

C. R. ROBINSON,
Attorney for Contestant.

I, C. R. Robinson, attorney for C. B. Kennamer, hereby certify that I executed the above notice by serving a copy of same on J. A. Embry, of Ashville, Ala., attorney for L. B. Rainey, contestee, on Monday, the 14th day of February, 1921, at the courthouse in Ashville, Ala.

Given under my hand this the 14th day of February, 1921.

C. R. ROBINSON,
Attorney for Contestant.

STATE OF ALABAMA,
County of St. Clair.

Personally appeared before me, J. S. Franklin, a notary public and duly authorized commissioner to take the depositions of witnesses for and on behalf of C. B. Kennamer, contestant, in the contest of the congressional election in the seventh congressional district of Alabama held in said district on the 2d day of November, 1920: the witnesses appearing before me on this the 14th day of February, at Ashville, Ala., and on the date and place mentioned hereafter, are mentioned in and their names are signed to the following depositions. Said witnesses after being duly sworn by me to speak the whole truth and nothing but the truth, deposed and says as follows, to wit:

Present and representing C. B. Kennamer, contestant, the Hon. Charles R. Robinson, attorney of Ashville, Ala.

Present and representing L. B. Rainey, contestee, Hon. J. A. Embry, of Ashville, Ala.

H. W. SHOCKLEY, being called, testified as follows:

Q. In what precinct in St. Clair County, Ala., do you reside?—A. In precinct No. 3.

Q. Are you one of the registrars of St. Clair County, Ala.?—A. Yes.

Q. Who are the other registrars of this county?—A. Mr. J. Manley Inzer and O. B. Morris.

Q. Are they Democrats or Republicans?—A. I suppose them to be Democrats.

Q. When did you receive your appointment?—A. I received my last appointment October 7, 1920.

Q. Did you do anything immediately after receiving your appointment with reference to giving notice and preparing for the registration of the women?—A. I came to Ashville, Ala., the following day.

Q. Who did you come to see?—A. I came to see Mr. J. Manley Inzer.

Q. Had he been designated as the chairman of the board?—A. Yes.

Q. Did you see Mr. Inzer when you arrived here in Ashville next day?—A. I did.

Q. Did you arrange for appointments over the county for the registration of voters that day?—A. We did not.

Q. Why did you not arrange appointment and give notice of those appointments that day?

(Objections.)

A. Mr. J. Manley Inzer said that he had not received anything from the State as to instructions.

Q. What else did he say about it?—A. He said he could not do anything until he received the registration law and instructions as to how to proceed, but when he received the instructions he would call me up by telephone and let me know when to come.

Q. Did you inform him at that time that you had blank applications and certificates that you could register with without waiting for supplies; that in your opinion it would be suitable for the registering of voters, or that in substance?—A. I did.

Q. Did you or not endeavor or suggest as one of the registrars that you and himself arrange the appointments over the county and get out notices so that the people might know and be ready to meet you at your appointments for the purpose of registering?

(Objections.)

A. I told him that we could get together ourselves on that day and arrange the appointments and have them sent out.

Q. Just state your conversation with reference fully to the appointments.—A. When I made this request he said he had rather not do anything until he got the law or supplies from the State. This was about all that was said.

Q. What day of the week was this?—A. It was on Friday.

Q. When did you next hear from Mr. Inzer?—A. I heard from him on Monday afternoon about 4 o'clock; this was the following Monday.

Q. By phone or letter?—A. Phone.

Q. What was his message over the phone?—A. The message I received was through another party, and it was to come to Ashville Tuesday morning to proceed to work.

Q. Did you come?—A. Yes.

Q. What time did the board of registrars, Tuesday, organize and get out lists of appointments that day?—A. When I arrived in Ashville about 10.30, they—I met the board and they told me that they had gotten together and made out the program for the round and was at that time, when I arrived in Ashville, had gone to have them printed.

Q. What time did you commence to register?—A. It was something—a little was done here that afternoon here in town.

Q. Was there any notice given, either in newspaper or by circular or otherwise, that you would register voters in Ashville on that day?—A. No.

Q. Have you a list of the appointments?—A. I have.

Q. Where did you go to from Ashville?—A. We went to Steele Station.

Q. And when?—A. The 13th of October.

Q. Had there been any notice, either in newspaper or by circular, sent to that place that you would be there on the 13th before noon for the purpose of registering voters?—A. There was some circulars mailed the afternoon of the 12th.

Q. To whom were they mailed?—A. It was to Mr. Free—Mr. J. W. Free.

Q. Do you know his politics?—A. I do not.

Q. Do you know where he lives?—A. Yes; I think it is about 1 mile from the post office.

Q. There is quite a number of people living nearer the post office than Mr. Free, are there not?—A. Yes.

Q. Did you register anyone on your way to Steele or on your way from Steele that day?—A. I did.

Q. Do you remember who it was?—A. I can't call all their names; I remember registering Mrs. A. E. Swan.

Q. How far off the main public road did she live?—A. I think it was something very near a quarter.

Q. Who was present when she was registered?—A. Mr. O. B. Morris.

Q. Do you remember anyone else you registered?—A. I registered the three McKays, who were sick and could not come to Ashville.

Q. Where did you go next for the purpose of registering?—A. To Caldwell, and stayed there all the afternoon.

Q. Where did you go on the following day?—A. Springville.

Q. About what time did you get there, and how long did you stay?—A. We arrived there something like 8 o'clock on the 14th, and stayed there all day.

Q. Where did you go that night?—A. We came to Ashville.

Q. Did you register anybody on your to Ashville, or on your way back to Springville?—A. No.

Q. Where did you go next day?—A. Odenville.

Q. When did you get there, and how long did you stay?—A. We arrived at Odenville about 8.30 and stayed there until 12.30.

Q. And where did you go from there?—A. We went to Moody's crossroads, and left there about 5 o'clock in the afternoon. We went from there to Pell City.

Q. Did you register anyone on your way to Pell City?—A. No.

Q. Where did you go next day?—A. We went to Easonville.

Q. And stayed how long?—A. We stayed until 12 o'clock.

Q. And where did you go from Easonville?—A. Coal City.

Q. How long did you stay there for registration?—A. Until about 5 o'clock.

Q. Where was your next appointment?—A. Ragland.

Q. What day of the week, and how long did you stay there?—A. Monday, and stayed all day.

Q. What time did the registrars adjourn that day?—A. About 5 p. m.

Q. Where did you go from Ragland?—A. Pell City.

Q. The same night; and who went with you?—A. It was the same night, and Mr. J. Manley Inzer went with me.

Q. What became of Mr. Morris?—A. He stayed over at Ragland to attend a dance.

Q. When did he come to Pell City?—A. The following day.

Q. Did he bring any applications of women that he had taken the night before for the purpose of registering?—A. I did not see any.

Q. Did he tell you that he had taken any the night before?—A. No.

Q. Where did you register on the 19th?—A. At Pell City.

Q. What time did the board of registrars adjourn on the 19th?—A. It was somewhere near 5 o'clock.

Q. Was the registrars requested, and did any of them go anywhere that night for the purpose of registering voters; if so, where?—A. As far as I know, they did not.

Q. Did either of them say they went anywhere?

(Objections.)

A. They did not.

Q. Where did you register the next day?—A. At Pell City.

Q. What time did the board meet and what time did it adjourn that day?—

A. It met about 8 o'clock in the morning and adjourned about 5 p. m.

Q. Was the board requested by anyone on that day to go anywhere the night of the 20th for the purpose of registering voters?—A. Mrs. Cornett told me that there was some one calling me over the phone the night before to come to Eugene Turner's, but she could not find me.

Q. Did either of the registrars go to Mr. Spurgeons Gamble's, or did either of them tell you that they went there after the 19th of October, 1920, for the purpose of registering voters?

(Objections.)

A. Mr. Gamble told Mr. J. D. Maddox that his wife was in bed and could not come to Pell City to register and he would like for us to come down there and register her; and we went and registered her. Mr. J. Manley Inzer and myself went in Mr. J. D. Maddox's car.

Q. What day of the week and month was that?—A. It was on Wednesday night, is my best recollection.

Q. How many people did you register that night?—A. I think it was three.

Q. Where were they?—A. Two was at Gamble's house, the other one was Mrs. Smith, who lived on our way back.

Q. Was that all the people that you registered that night?—A. It was.

Q. Were you requested to go down to Mr. Joe Leachman's while the board was sitting at Pell City?—A. I was not.

Q. Did any member of the board go down there or did they tell you that they went down there for the purpose of registering voters?

(Objections.)

A. If they went, I did not know it. Nor they did not tell me that they went.

Q. Did you give any notice either by circular or otherwise that you would be at Mr. Gamble's on the night that you did go for the purpose of registering voters?—A. If there was any notice given, I did not know it.

Q. Is Mr. J. D. Maddox, the man who requested you to go to Mr. Gamble's, a Democrat or a Republican?—A. I could not tell whether he was a Democrat or a Republican, but my opinion is that he was a Democrat. He is so reputed to be.

Q. About how many applications for registration did Mr. O. B. Morris present to the board of registrars for registration, who did not appear before the board in person?—A. I did not see any.

Q. Is it not a fact that Mr. Morris presented the names of a number of women from beat No. 20—Roverside—for registration, who did not appear before the board and they were registered?—A. There was not.

Q. How many names or applications did Miss Nettie Neely, clerk in the probate office at Pell City, turn over to the board at Pell City, and registration certificates were issued that did not come before the board in person upstairs in the courthouse?—A. Not any.

Q. Did she take applications?—A. She wrote up some.

Q. Where was she when she was writing them?—A. At one time she was up in the auditorium in the courtroom, and at another time I suppose she was in the probate office.

Q. Who was in the probate office with her?—A. I could not say.

Q. Was the board in session in the probate office?—A. No.

Q. About how many applications did she take in the probate office?—A. All that she took before the board unsigned, and the board administered the oath and issued the certificate.

Q. Was there any person that registered in October, 1920, or to whom registration certificate was issued by the board, issued without the person appearing in person before a majority of the board of registration of your own knowledge or information?—A. No.

Q. This is one of the original notices of the times and places of registration, is it not?—A. Yes.

(Notice attached and marked Exhibit A.)

Cross-examination:

Q. Did you commence the registration as soon as you got your supplies?—A. We did.

Q. The women that you registered on your way back from Steeles, did you know or did you inquire as to their politics?—A. No.

Q. Did you register anyone except the ones that you have stated above who did not appear at a regular appointment?—A. No.

Q. Did Miss Nettie Neely assist the board in making out these applications?—A. She did.

Q. Was that done for the accommodation of the applicants for registration? (Objections.)

A. It was.

Q. Was the board of registration crowded at Pell City, and were they unable to accommodate the applicants that day?—A. Yes.

Q. And was that the reason that Miss Nettie Neely's services rendered?—A. Yes.

Q. She did not administer any of the oaths to the applicants, did she?—A. No.

Q. Did you go to Gene Turner's on the information that Mrs. Cornett gave you?—A. I did not.

Q. On the morning of the 21st, did the board not seek the advice of an attorney with reference to going out and registering away from the regular appointments, and was the board not advised not to register any one except the ones that came before it?—A. Yes.

Q. Did the board, after receiving the advice, register any one except at the regular appointment?—A. No.

Redirect examination:

Q. How did you come to get the advice of counsel?—A. Our minds was not clear as to our duty of what the law required.

Q. Is it not a fact that the board or some members of the board had been registering persons at places other than the regular appointments, is the reason you asked the advice?—A. I could not say.

Q. Is not that your information, that it had been done?—A. No; when we got this telephone message to go to other places we did not know just what was required by law in regard to this.

Q. About how many blank applications did Miss Nettie Neely fill out?—A. Something like 20 or 25.

H. W. SHOCKLEY.

J. MANLY INZER, being called, says:

Q. Are you one of the registrars of St. Clair County, Ala.—A. Yes.

Q. When were you appointed?—A. My recollection is the 7th of October, 1920.

Q. When did you commence to register voters after receiving your appointment?—A. Afternoon of October 12, which was the following Tuesday.

Q. Did you get out a list of appointments?—A. We did.

Q. Did you consult with any person other than the registrars before making up the appointments with reference to the places at which you would register?—A. We did not talk over the date down in the probate office, but we discussed registering.

Q. You and Mr. Embry were both in the vault at the time something was said about it?

Q. I asked you to give a list of the appointments, did I not?—A. Yes.

Q. And what was your answer?—A. That you might have them as soon as they were settled on.

Q. That was early in the morning, was it not?—A. About 9 or 10 o'clock; I do not remember the hour.

Q. You filled each of the appointments that was published, did you not, for the purpose of registering?—A. No; Riverside was left out.

Q. Did you register any person or persons other than the place that was published?—A. Yes.

Q. Name the places?—A. We registered Mrs. Spurge Gamble, and her daughter, and another lady, whose name I do not remember; and at Springville, we went out that night to E. M. McClendon's and registered his wife and another lady, whose name I do not remember; we came back by and registered Bass Reynold's wife, just below Springville; in the edge of town, we registered Mrs. Stanley; and, then, we came back, and registered two in Springville; I think one was Markus Pearson's mother and sister there at his house, and there was one other whom I did not know; this is the only ones I remember now.

Q. Who else was with you when you made these registrations?—A. Both the other registrars were with me at Springville; also Mr. John Walker, Mr. Ward Foreman, and George Byers.

Q. Mr. Walker, Ward, and Foreman are reputed to be Democrats, are they not?—A. Yes. There is one other registration—I now remember that we made—it was at Cropwell; this was the same date they were at Easonville. When we were at Easonville we—I was called up over the phone by Mr. Pat Robinson—and asked us if we could not give him two hours at Cropwell. I told him that we could not, but if he would have what he could get there ready and come to Easonville and get some blank applications to be filled out and ready, so that the board could let them make oath to them and sign them, that we could stop long enough to issue the certificates; but to have the parties there and the blank applications filled out ready to be signed. We registered about one-half dozen, I suppose, there at Cropwell, at Robertson's store, and then we came on toward Pell City and stopped at a house. Mr. Shockley and Mr. Morris went in and registered some there; I do not remember who it was; I did not go in, I remained in the car.

Q. Who came after the registration blanks?—A. Mr. and Mrs. Pat Robinson.

Q. Did they have the application blanks filled out when you arrived at Cropwell?—A. They did.

Q. Mr. and Mrs. Pat Robinson are reputed to be Democrats, are they not?—A. Yes.

Q. Was there any notice given by circular or otherwise given by the registrars that they would be at Cropwell on that date for the purpose of registering voters other than you have stated?—A. No.

Q. Did you or not, while the registrars were in session at Pell City, go to the home of Mrs. Joe Leachman in beat No. 14, for the purpose of registering voters?—A. No.

Q. Did you or not go to Riverside for the purpose of registering voters?—A. I did not and do not know of anyone else going.

Q. Are you acquainted with Mrs. Morris, the registrar's mother?—A. Yes.

Q. Did she or not register?—A. Yes; she registered in the courthouse in Pell City.

Q. About how many white men who had become 21 years of age, or stated to the board that they had become 21 years of age since the 5th day of January, 1920, who were refused registration by the board?

(Objections.)

A. I do not know; there may have been as many as a dozen, is my best judgment; we kept no record of it.

Q. The time that you registered Mrs. Gamble, her daughter, and the other lady that you spoke about, this was after the 19th of October, was it not?—A. Yes; I think it was the 20th of October.

Cross-examination:

Q. Did you know the politics or make any inquiry as to whether the women you registered at Springville or elsewhere that did not appear before the board at your regular appointments were Democrats or Republicans?—A. I did not inquire. I was informed at Mr. Gamble's that there was a Republican woman in there that wanted to register; I told him that was perfectly all right, that we would register them as quickly as we would Democrats.

Q. And did you register her?—A. We did.

Q. Did the young men that were refused registration at Pell City each inform you that they had an opportunity of registering before Mr. Shockley, the county registrar, while he was holding at Pell City on the 1st and 2d day of January, 1920?

(Objections.)

A. They did.

Q. Is that the reason that the board refused to register them?—A. It was because they were qualified to register before January 5, 1920.

Q. Did you know the politics, or did you make any inquiry of those young men?—A. I did not.

Q. Were any of the applications furnished you at Cropwell or to the board signed or sworn to when they were presented to you or the board?—A. No.

J. MANLY INZER.

H. GORDON ASHLEY, being called, says:

By agreement, Mr. Ashley was examined at this time instead of being examined at Pell City, February 15, 1921, the date fixed for the examination of this witness in the notice served on the contestee.

Q. Where do you live?—A. In St. Clair County, Ala.

Q. How long have you resided here?—A. All my life, except for four years and one-half, and I am 53 years of age.

Q. Are you acquainted with the registrars of this county?—A. I am.

Q. Are they partisan Democrats or not?—A. They are.

Q. Were they active supporters of L. B. Rainey for Congress in the November election, 1920?—A. My information is that they were.

Q. Do you remember the day that they commenced to register voters in October, in this county?—A. I do.

Q. Did you endeavor on that date to ascertain from them a list of their appointments for registration?—A. I did.

Q. Did they give it to you or not? State fully.—A. Just before noon I saw Mr. J. Manley Inzer going from the courthouse toward his home and I called to him and asked him when they were going to organize; he said they had just organized and would meet at about 1 o'clock. And I told him that I wanted to appear before the board when they met after dinner and take up the matter of the places and dates that they would register in the county. I went up about 1.30 at the courthouse and they were then registering ladies up there and I told Mr. Inzer, who was chairman of the board, that it was my information that they were only going to register at a few places in the county and that I wanted to file a paper which was a demand that they visit each precinct in St. Clair County for the purpose of registering those who were qualified to register under the law. He told me then that they were going to Steel Station, Steeles beat No. 6, next morning and would register there one-half day. He also said that they would go to Caldwell's, which is beat No. 18, the afternoon of the same day. I then asked him if he could give me any other dates and places to which they were going, he said no, they did not have the list published, but when he did have it published he would give me a list of his appointments in the county. That is about the extent of our conversation.

Q. You then filed a copy of this paper with the board?—A. Yes.

(Paper marked Exhibit B, attached hereto is the paper referred to.)

(Objections offered to Exhibit B.)

Q. Later on, did you get a list of the appointments?—A. Someone gave me a little circular with a list of the appointments on it.

Q. What precinct did they visit in the county, according to the circular?—A. Precincts Nos. 6, 18, 4, 3, 17, 12, 10, 9, 20 according to the circular.

Q. Is beat 6 a Democratic or Republican beat?—A. Up until the special election held to fill the vacancy caused by the death of Mr. Burnett beat 6 has been going strongly Democratic.

Q. How much time did they give there according to the circular?—A. One-half day.

Q. Is beat 18 a Democratic or Republican?—A. The same conditions obtained in beat No. 18 as in 6, it had been Democratic up until the special election referred to above. They gave one-half day there.

Q. Is it not a fact that beat No. 4, Springville, the largest and strongest beat in St. Clair County?—A. It is.

Q. How much time did the registrars give there?—A. One day.

Q. The other precincts advertised in the list of appointments, are they Democratic or Republican, or had they been heretofore?—A. Beats No. 3 and No.

17 have been considered close beats as between the two parties. Beat No. 10 has always been regarded as a Republican beat; beat No. 9, has been regarded as a strong Democratic precinct, also beats No. 12 and 20, up to the special election.

Q. Did they visit any Republican precinct for the purpose of registering voters according to their published notice, other than beat No. 10?—A. They did not that I know of.

Q. Are there any Republican precincts in the county?—A. There are several decidedly Republican precincts in the county.

Q. You are familiar with the political affiliation with the people in the county, are you not?—A. Generally so.

Q. In your opinion, from your knowledge and information, how many Republican women voters would have registered and voted the Republican ticket if they had had a reasonable opportunity to have registered that did not register and vote in this county?

(Objection.)

A. I believe a conservative estimate would be, in answer to that question, from 150 to 200.

Q. Do you remember about the time that the nineteenth amendment to the Federal Constitution was proclaimed in effect by the Secretary of State?—A. It was some time during the latter part of August, as I remember it—August, 1920.

Q. If the governor of Alabama had immediately called the legislature of Alabama in extraordinary session, and the legislature has passed a registration law within the first five days of its sitting, and the governor had immediately approved the same and appointed registrars for the various counties of the State, would not the registrars have had time to have given ample and sufficient notice in the different precincts of this county, and time to have visited each precinct in the county for the purpose of registering voters?

(Objections.)

A. They would have had sufficient and ample time to have registered every voter in the county who desired to register.

Q. Do you know Mr. Blevins, at Odenville, Ala.?—A. I do.

Q. Is he reputed to be a Democrat or a Republican?—A. Democrat. And I think his wife is also.

Q. Was he transferred as a voter from Jefferson County to this county in October, 1920?

(Objections.)

A. My information is that he was, and that information was from the managers of the election.

Q. Had he had an opportunity to register before the 5th of January, 1920?—A. He and his wife came to Odenville to visit his daughter in August or September, 1920.

Q. Did he vote in the election in 1920?—A. He went into the voting place to vote, with his wife.

Cross-examination:

Q. Was not Mr. Kennamer's majority over Mr. Rainey in the November election, 1920, in this county, just about the same proportion it was, considering the increased number of voters in the special election the year before?

(Objections.)

A. My recollection is Mr. Kennamer's majority in the special election was 283, and there were around 1,800 votes cast; in the November election, 1920, his majority was 579, and there were around 4,500 votes cast.

Q. Did Mr. Inzer, on the 12th of October, not furnish you a written list of the appointments and state to you that there might be a little change in it before it was published?—A. I don't remember that he did; if he did, it was late in the evening, for I went to Steel's and did not get back here until late.

Q. You are a pretty strong Republican partisan yourself, are you not?—A. Yes; about as strong as the strongest; I have nearly as much zeal as the registrars of this county had.

Q. Did you ever hear of the registrars of this county taking any active part in politics?—A. As to Mr. Inzer and to Mr. Shockley, I have; as to Mr. Morris, I never knew him personally until he was appointed registrar.

Q. Your judgment as to the number of women that were not registered is based upon the fact that the registers did not visit these Republicans precincts,

is it not?—A. No; it is based on the votes that were cast throughout the county, as compared with the men votes.

H. G. ASHLEY.

A. CROW Sr., being examined, says:

Q. You reside in St. Clair County, Ala.?—A. Yes.

Q. How long have you resided in the county?—A. Soon be 75 years.

Q. Are you acquainted with the registrars of this county?—A. Yes.

Q. Are they Democrats or Republicans?—A. They are supposed to be Democrats.

Q. You know the precinct that they visited in October, 1920, for the purpose of registering voters?—A. I know only from what I saw in their advertisements.

Q. Are you acquainted with the political affiliations of the people in the precincts that advertised that they would visit?—A. Yes; I think I know.

Q. Were they Democratic precincts or Republican precincts?—A. Back before the two last elections all beats visited by the registrars were considered Democratic, except 17, 10, and 12.

Q. In your opinion, from your knowledge and information, how many Republican women in this county would have registered and voted the Republican ticket in 1920, if they had had a reasonable opportunity to have registered, that did not register and vote?—A. I suppose there would have been at least 200.

Cross-examination:

Q. There were a good many Democratic women in this county who did not register and vote, were there not?—A. I do not know; I was not looking after them.

Redirect examination:

Q. You do know, though, that the Democrats went out of the county and brought them in and registered them?

(Objections.)

A. I heard they did.

Q. From your knowledge and information, there were several school teachers teaching in this county who registered and voted, were there not?—A. I do not know.

Recross-examination:

Q. Mrs. Hodges and her daughter-in-law, referred to above, registered in this precinct, did they not? And had formerly lived here, had they not?—A. My information is that they registered here, and they voted here I know, and that they had lived here.

Redirect examination:

Q. But they had been out of the county for over a year, had they not?—A. Yes.

Recross-examination:

Q. Mr. Hodges, the husband of the Mrs. Hodges and the father-in-law of the other Mrs. Hodges, always voted here, did he not?—A. My understanding is W. T. Hodges participated in the elections in Birmingham, Ala., and has not participated in the elections here since he went away.

A. CROW, Sr.

PELL CITY, ALA.,

Tuesday, February 15, 1921.

Present and representing Mr. C. B. Kennamer, Hon. C. R. Robinson, of Ashville, Ala.

Present and representing Mr. L. B. Rainey, contestee, Hon. F. B. Embry, of Pell City, Ala.

Mrs. ANNIE GAMBRELL, being called for examination, says:

Q. In what precinct in St. Clair County do you reside?—A. Thirteen.

Q. Did you vote in the November election in 1920?—A. No.

Q. Did you register in October, 1920?

(Objection.)

A. Yes.

Q. When and where did you register?—A. I registered at home. It was on the 19th of October, 1920.

Q. Was it in the daytime or in the night?—A. It was in the night.

Q. Did any one else register at the same time you registered?—A. Yes.

Q. How many?—A. Two besides myself.

Q. Did the registrars come to your house?—A. Yes.

Q. Did any one come with them; if so, who was it?—A. Mr. John Maddox.

Q. Is Mr. Maddox reputed to be a Democrat or a Republican?

(Objection.)

A. Democrat.

Q. Was there any notice given by publication in newspaper or circular that the registrars would be at your house on that night for the purpose of registering voters?

(Objections.)

A. No; I never saw any.

Cross-examination:

Q. Who were the other two that registered at your house that night?—A. Miss Sall e Ingram and Myrtle Smith.

Q. Do you know whether or not they voted in the election following the registration?—A. I was not down there, but I hear they voted and I suppose they did.

Q. What ticket are these parties reputed to have voted?—A. Miss Ingle is said to have voted a Democratic and Miss Myrtle a Republican; this was the report.

Q. The registrars did not refuse to register anyone there at your house that night, did they?—A. No.

Q. Were you physically able to go to the registration place without injury to your health?

(Objections.)

A. No.

Redirect examination:

Q. Are you a Democrat or a Republican?—A. Democrat.

Q. Mrs. Smith is your stepdaughter, is she not?—A. Yes.

ANNIE GAMBRELL.

Miss NETTIE NEELY, being examined, says:

Q. What precinct in St. Clair County, Ala., do you reside in?—A. Fifteen.

Q. Are you not the chief clerk in the probate office at Pell City, Ala.?—A. Yes.

Q. About how many blank applications did you fill out for women registrants in your office for the purpose of being registered in October, 1920?—A. I would judge that I filled out about 50; this is my best judgment.

Q. The registrars, nor a majority of them, were not present when these applications were filled out and taken, were they?—A. No; they were not there when I filled them out.

Cross-examination:

Q. There was not a single registration blank signed and sworn to before you, was there?—A. No.

Q. You filled out these blanks irrespective of politics, did you not?

(Objections.)

A. Yes.

Q. The cause of the applications for registration to call on you to fill out these blanks was because of the large number that could not be waited on by the registrars?—A. Yes; the applicants did not call on me at first, but the registrars asked me to assist.

Q. A number of these applications were filled out in the presence of the board, were they not?—A. Yes.

Redirect examination:

Q. In your judgment about 50 were filled out down in the probate office?—

A. Yes.

Q. The probate judge of this county is a Democrat, is he not?—A. Yes.

Recross-examination:

Q. In your judgment, did you fill out a majority of applications for Republicans or Democrats?—A. Republicans.

NETTIE NEELY.

J. W. LEACHMAN, being examined, says:

Q. What precinct in St. Clair County did you reside in in October, 1920?—
A. Fourteen.

Q. How long had you resided there?—A. About 18 years.

Q. Does beat No. 23 join No. 14?—A. Yes.

Q. Are you acquainted with the people in both No. 14 and No. 23?—A. Yes.

Q. They are both Republican precincts, are they not?—A. Yes.

Q. Are there any women in beat No. 14 that did not register in beat No. 14?—
A. Ten or 12.

Q. Are they Democrats or Republicans?—A. Republicans.

Q. Are there any women in beat No. 23 that did not register?—A. Twelve or 15.

Q. Are they Democrats or Republicans?—A. I suppose they are Republicans; their husbands are.

Q. About how far would they have had to come in October to register, and what is the condition of the roads?—A. About 13 or 14 miles and the roads are bad.

Q. Did the registrars visit either one of those precincts in October, 1920, for the purpose of registering voters?—A. No.

J. W. LEACHMAN.

Mrs. P. H. ROBERSON, being duly called, says:

Q. What precinct in St. Clair county do you reside in?—A. Nineteen.

Q. Are you acquainted with Mrs. Will Scott, Mrs. Paul Roberson, Mrs. Blair Jones, Mrs. H. Jones, Miss Ada Roberson, Mrs. James Mays, Mrs. Knight, and Mrs. J. P. Turner?—A. Yes.

Q. Did they register in October, 1920?—A. Some of them did, I know.

Q. Where did they register?—A. At Cropwell.

Q. Did the registrars give any notice either in newspaper or by circular that they would be at Cropwell on the date that they registered those who did register, for the purpose of registering voters?

(Objections.)

A. They did not.

Q. Do you know how these ladies got notice of the registration at that place?—A. No; I do not. I know that an effort was made to reach the ladies.

Q. How?—A. One way was by telephone.

Q. Who did the phoning?—A. Miss Ada Roberson.

Q. Did they appear before the registrars in person?—A. Yes.

Q. Are they reputed to be Democrats or Republicans?—A. I could not say.

Q. From your information and knowledge about how many ladies registered at Cropwell on the day and date referred to—I mean the date that the ladies referred to above registered?—A. There were 10.

Q. Do you know where they got their registration blanks?—A. They came from the store.

Q. Did they get them from the registrars?—A. They came indirectly from the registrars.

Q. Who filled out the blank applications?—A. My own, I filled it in myself.

Q. In the presence of the registrars?—A. No.

Q. Do you know who filled out the blank applications of the others?—A. No.

Cross-examination:

Q. You signed and swore to your application before the registrars, did you not?—A. I did.

Q. Those that registered that you know of, in your own personal knowledge, they signed and swore to the applications before the registrars, did they not?—
A. They did.

Q. You don't know of the registrars refusing to register anyone at Cropwell that day, do you?—A. No.

Q. The notice that you refer to of the registrars being at Cropwell was made known to everybody in town, was it not?—A. Yes; an effort was made to reach all the ladies.

Q. How far is Cropwell from Easonville, in your best judgment?—A. About 2 miles.

Q. The registrars on the day that they were at Cropwell spent a half day at Easonville, did they not?—A. Yes.

Q. It was generally known by the people that the registrars were to be at Easonville that half day, was it not?—A. Yes.

Q. It was generally known that the registrars would necessarily have to pass through Cropwell in going to Easonville?—A. Yes.

BYRDILU M. C. ROBERSON.

Mrs. JOHN MADDON, being called, says:

Q. In what precinct in this county do you reside?—A. Twelve.

Q. Were you appointed or requested to aid and assist in endeavoring to get the ladies in your community registered in October, 1920?—A. I was requested to do so.

Q. By whom?—A. By Mr. F. M. Morris.

Q. Was the Democratic nominee for tax assessor for this county, was he not?—A. Yes.

Q. He requested you to get all the Democratic ladies registered, did he not?—A. Yes.

Q. Did you or not, just prior to the day the registrars were at Easonville for the purpose of registering voters, call over the phone Mrs. Tall Harmon and request her to notify all the Democratic ladies near her that the registrars would be at Easonville to register voters?—A. I did.

Cross-examination:

Q. There were efforts being made by the Republicans in that precinct to get the Republican women out to register, was there not?—A. There was.

Q. There were considerably more Republican women registered there than Democratic women, were there not?—A. There was.

Redirect examination:

Q. You did not tell Mrs. Harmon or any other lady to notify the Republican women that the registrars would be at Easonville on a certain date to register voters?—A. No.

Mrs. JOHN MADDON.

CONTESTANT'S EXHIBIT A.

REGISTRATION NOTICE.

We will be at the following places for the purpose of registering all voters who have become qualified since January 5, 1920:

Steele, beat 6, Oct. 13-----	8 to 12 a. m.
Caldwell, beat 18, Oct. 13-----	2 to 5 p. m.
Springville, beat 4, Oct. 14-----	8 a. m. to 5 p. m.
Odenville, beat 3, Oct. 15-----	8 to 12 a. m.
Moodys, beat 17, Oct. 15-----	2 to 5 p. m.
Easonville, beat 12, Oct. 16-----	8 to 12 a. m.
Coal City, beat 10, Oct. 16-----	2 to 5 p. m.
Ragland, beat 9, Oct. 18-----	8 to 12 a. m.
Riverside, beat 20, Oct. 18-----	2 to 5 p. m.
Pell City courthouse, beat 15, Oct. 19, 20, 21-----	8 a. m. to 5 p. m.
Ashville courthouse, beat 1, Oct. 22, 23, 25, 26-----	8 a. m. to 5 p. m.

J. MANLY INZER.

H. W. SHOCKLEY.

O. B. MORRIS.

CONTESTANT'S EXHIBIT B.

To the honorable board of registrars for St. Clair County, Ala.: O. B. Morris, H. W. Shockley, and J. Manly Inzer, chairman:

In behalf of Charles B. Kennamer, Republican candidate for Congress from the seventh Alabama district, I make the following demands:

First. That you register the women qualified under the eighteenth amendment to the Constitution of the United States and the men already qualified to register by visiting every voting precinct for one day.

Second. That if it is impracticable for lack of time to give one whole day to register the qualified voters in each precinct that you give one-half day.

Third. That if for the want of time you can not give the time above requested, then I further demand that you give at least three hours in each precinct.

The above demands are made in behalf of Charles B. Kennamer, and that all voters may be given a fair chance to register in order to vote in the election to be held November 2, 1920, said election being a Federal election for the purpose of voting for presidential electors and candidates for Congress, as well as State and county officers for the State of Alabama.

H. G. ASHLEY,
*Chairman of the Republican Campaign Committee
for the Seventh Alabama District.*

CERTIFICATE.

STATE OF ALABAMA. *County of Etowah:*

I, J. S. Franklin, a notary public in and for said State and county and duly authorized by C. B. Kennamer, contestant, to take depositions of witnesses in his behalf, wherein the said C. B. Kennamer, contestant, is contesting the certified election of L. B. Rainey, contestee, to the Sixty-seventh Congress of the United States of America from the seventh congressional district of Alabama, said election in said district having been held on the 2d day of November, 1920, hereby certify that I have caused to come before me at the times and places mentioned in this certificate, and mentioned in the notices attached to the depositions, for the purpose of giving evidence in behalf of C. B. Kennamer, contestant, the following witnesses, to wit:

Depositions A.

January 17, 1921, at courthouse in Gadsden, Etowah County, Ala.: Nellie Whitt, Julia Collins, Jessie Howard, T. W. Ross, E. D. Abernathy, Mrs. Lamar Smith, R. A. Alverson, C. W. Adams, Emma Riley, Cooper McNaron, J. J. Pullen.

January 18, 1921, at courthouse in Gadsden, Etowah County, Ala.: Mrs. Lee Johnson, Charley Mooney, Lute Silvey, J. B. Sheffield, P. H. Gilbert, W. Y. Hopkins.

January 19, 1921, at courthouse in Gadsden, Etowah County, Ala.: Edward Pickard, Charles O. Duncan, E. L. Hurst, John J. Stephens, J. W. Mills.

January 20, 1921, at courthouse in Gadsden, Etowah County, Ala.: Charles F. Cross, W. J. Battles, E. L. Powell, M. E. Battles, James Whitt.

January 21, 1921, at courthouse in Gadsden, Etowah County, Ala.: J. J. Grimes, J. M. Hulan, Mary Arnold.

January 22, 1921, at courthouse in Gadsden, Etowah County, Ala.: Birdie Stone, Mrs. Lon Williams, H. A. Morgan, Mrs. Thomas Thurkill.

January 26, 1921, at office of J. S. Franklin, in Gadsden, Etowah County, Ala.: Maggie Kissleburg, Francis Abercrombie, F. Ewing Cox.

Depositions B.

February 7, at courthouse in Center, Cherokee County, Ala.: Mrs. J. W. Livingston, Dr. Leonard Stone, John F. Brown, W. M. Watts, Arthur Bobo, C. H. Dobbs, F. C. Chapman.

Tuesday, February 8, 1921, at courthouse in Center, Cherokee County, Ala.: Fielden Norton, I. L. Brock, C. Vernon Starkey, S. L. Herron, J. W. Bagley, Mrs. Evaline Young.

Depositions C.

February 9, 1921, at courthouse in Guntersville, Marshall County, Ala.: George Roberts, Luther Porch, W. T. Solly, F. W. Harrison, Wilburn Alldredge, P. W. Shumate, Mrs. Rosie Smith, I. B. Hyde, W. W. Porch.

February 10, 1921, in courthouse, Guntersville, Marshall County, Ala.: T. J. Brown, C. B. Kennamer, Curtis Russell, Mrs. Maggie Johnston.

February 11, 1921, in Dr. Noel's office, Boaz, Marshall County, Ala.: Mrs. Phillip W. Lett, Mrs. Lou Michael, N. S. Walker, Mrs. Rilla Eason, J. D. Pruitt, P. W. Lett, Mrs. S. A. Costner, Mrs. Butler Moon, J. A. Roberson, Renna Land, Mrs. C. D. Wright, M. O. Byers, Butler Moon, A. J. Roberts.

Depositions D.

February 14, 1921, at courthouse, Ashville, St. Clair County, Ala.: H. W. Shockley, A. Crow, sr., J. Manly Inzer, H. Gordon Ashley.

February 15, 1921, in courthouse, Pell City, St. Clair County, Ala.: Annie Gambrell, Byrdilee M. C. Roberson, Nettie Neely, Mrs. John Maddox, J. W. Leachman.

The aforesaid witnesses were sworn to speak the truth, and all relevant questions propounded to them by the contestant and the contestee and their answers thereto, as near as may be, were taken down by me in their presence and read over to the witnesses, who signed the same in my presence as their true evidence on said examination; the foregoing record, depositions A, from 1 to 108, inclusive; depositions B, from pages 1 to 29, inclusive; depositions C, pages 1 to 105, inclusive; and depositions D, from pages 1 to 22, inclusive, contains the depositions of the aforesaid witnesses complete. And I certify that at the examination of each of the aforesaid witnesses counsel for contestee was present and examined, or had the opportunity of examining, on cross, said witnesses.

I further certify that I am neither of counsel nor of kin to C. B. Kennamer, contestant, or L. B. Rainey, contestee, and that I have conducted the examination of the aforesaid witnesses fairly and according to law to the best of my ability.

Given under my hand and seal this the 15th day of February, 1921.

[SEAL.]

J. S. FRANKLIN,

Notary Public,

Commissioner for C. B. Kennamer, Contestant.

NOTICES TO TAKE DEPOSITIONS.

To L. B. RAINEY:

Take notice that C. B. Kennamer will examine the witnesses named below at the courthouse in Oneonta, Blount County, Ala., on Thursday, February 3, 1921, before James Kay, a notary public, and from day to day until said witnesses are examined.

The names and addresses of the witnesses are as follows, to wit: D. E. Moody, J. B. Sloan, L. H. Brown, J. W. Hughes, F. A. Hearn, J. B. Stephens, and George Clements, all of Oneonta, Ala.; Jessie Phillips and Robert S. Dingle, of Blountsville, Ala.; George W. Yates and Leroy Berry, of Summit, Ala.; Austin Henderson, of Liberty, Ala.; Jesse Holland, of Altoona, Ala.; R. W. Owen, of Horton, Ala.; Roy Head, of Cleveland, Ala.; J. M. Wilder, of Village Springs, Ala.; Arthur Tippeus, of Remlap, Ala.; Annie May Cheatwood, of Bangor, Ala.

Executed this 1st day of February, 1921, by leaving a copy of the above notice with A. V. Lee, attorney for L. B. Rainey.

THOS. H. STEPHENS,

Attorney for Contestant.

L. B. RAINEY:

Take notice that C. B. Kennamer will examine the witnesses named below at the courthouse in Oneonta, Blount County, Ala., on Tuesday, February 8, 1921, before James Kay, a notary public, and from day to day until said witnesses are examined.

The names and addresses of the witnesses are as follows, to wit: Sam Thompson, Summit, Ala.; W. A. Teague, Summit, Ala.; Lee Simpson, Summit, Ala.; Jim Rogers, Hayden, Ala.; Fred Mardis, Summit, Ala.; Leroy Berry, Summit, Ala.; George Yates, Summit, Ala.; Jim Weaver, Liberty, Ala.; C. M. Gibbs, Liberty, Ala.; J. M. Petre, Rosa, Ala.; S. W. Rooker, Village Springs, Ala., route No. 2; Walton Armstrong, Morris, Ala.; T. J. Murray, Oneonta, Ala., route No. 3; Mrs. Oscar Whited, Oneonta, Ala.; John T. Faile, Blountsville, Ala., route No. 2; Harley Bynum, Oneonta, Ala., route No. 1.

Executed this 5th day of February, 1921, by leaving a copy of the above notice with A. V. Lee, attorney for L. B. Rainey.

J. B. SLOAN, *Attorney for Contestant.*

At the time of service of this notice I have heretofore been served as attorney for L. B. Rainey, contestee, that C. B. Kennamer would examine

witnesses in Cherokee County, at Center, Ala., on February 7, 1921, and from day to day, and in Dekalb County, at Fort Payne, Ala., on February 10 and 11, from day to day, and in Marshall County, at Guntersville, Ala., on February 10, 1921, and Boaz on February 11, 1921, and from day to day.

This 5th day of February, 1921.

ALTO V. LEE,

Attorney for L. B. Rainey, Contestee.

ONEONTA, ALA., *Blount County:*

In the matter of the contest of the election for Congress of the seventh congressional district of Alabama, C. B. Kennamer, contestant, *v.* L. B. Rainey, contestee.

On this, the 3d day of February, 1921, the undersigned commissioner, James Kay, in pursuance to notice heretofore given by the contestant to the contestee that the contestant would at this time and place proceed to examine certain-named witnesses, a copy of which notice is hereto attached and which was served on the contestee on the 1st day of February, 1921, by leaving a copy of said notice with Alto V. Lee, the attorney for the said L. B. Rainey, a person authorized to cross-examine said witnesses on behalf of the contestee. It is agreed by both parties that when either party wishes to make an objection to any question or answer it will be sufficient to note in the testimony merely that an objection was made without setting out the grounds of the objection.

ALTO V. LEE,

Attorney for Contestee.

O. D. STREET.

J. B. SLOAN.

DAVID E. MOODY, a witness examined on behalf of the contestant, testifies as follows:

Q. Mr. Moody, where do you live?—A. Oneonta, Ala., R. F. D. 1, about 1½ miles from Oneonta, Ala.

Q. What is your age?—A. Fifty years.

Q. How long have you lived in Blount County, Ala.?—A. About 12 years.

Q. Do you hold any official position with the Republican organization of Blount County, Ala.; and if so, what?—A. I do. I am chairman of the executive committee.

Q. How long have you held that position?—A. It will be three years in this coming May.

Q. How long have you been participating actively in Republican politics in Blount County, Ala.?—A. Twelve years.

Q. Have you a general knowledge of the political complexion of the various parts of this county and the political affiliations of most of the leading citizens of this county?

(Objection by contestee.)

A. I have.

Q. Who are the gentlemen who compose the board having in charge the appointment of the election inspectors and clerks?—A. E. G. Aldredge, probate judge of Blount County, Ala.; C. S. Nations, sheriff; and H. C. Hood, circuit clerk of said county.

Q. Who had charge of the sending out of the ballots and the ballot boxes to the several precincts in this congressional election?

(Objection by the contestee.)

A. The probate judge and the sheriff.

Q. What is the political affiliation of the three gentlemen you have named?—A. Democratic.

Q. Did any Republican have anything to do, so far as you know, with the appointment of the inspectors, clerks, and returning officers, or the deputy sheriffs?—A. None.

Q. Who designated the returning officers?—A. The sheriff designated both the returning officers and the deputy sheriffs.

Q. Was any returning officer or deputy sheriff a Republican?—A. None, to my knowledge.

Q. What was the political affiliations of the inspectors and clerks of the several voting places?—A. There was two Democratic managers and one Republican at each voting place and one Democratic clerk and one Republican clerk at each voting place.

Q. I will ask you whether Judge Aldredge and Sheriff Nations and Clerk Hood are vigilant and active workers in the Democratic Party?—A. They are.

Q. Would you call them partisan Democrats?—A. Yes.

Q. Who were the registrars appointed for Blount County under the registration law passed at the special session of the legislature in 1920?—A. I can tell who acted, namely: John Ketchum, Tracy Brown, and John South.

Q. Are they Democrats or Republicans?—A. Democrats.

Q. Are they active or indifferent in Democratic politics?—A. Ketchum and Brown are active; I do not know about South.

Q. Would you call them partisan Democrats?—A. Yes.

Q. Did any Republican have anything to do with the registration of the voters under said law?—A. The registrars made a ruling here that a justice of the peace or a notary public might take a few applications of parties who were sick and unable to attend and register in person; there were two or three Republicans that were justices of the peace and notaries who took a few applications.

Q. Do you know how many that were taken by them?—A. Between 28 and 31.

Q. Is this the only connection that you know of any Republican having anything to do with the registration of voters?—A. Yes.

Q. Prior to the beginning of registration under that law was any notice given by publication in any newspaper in Blount County, Ala., as to the time or place where the registrars could be found?—A. None.

Q. What was the first form of a printed notice that you saw of the time and place of registration?

(Witness produces a printed notice and says, "This was it." Said notice is hereto attached and marked "Exhibit No. 1.")

Q. When did you first see that notice?—A. It was about the middle of the afternoon of October 11, 1920.

Q. Was that the first knowledge that you had as to when and where registration would be held.—A. It was.

Q. Have you a tabulation showing the official results in the several precincts of this county at this election?—A. I have the official returns as published in the Southern Democrat, a Democratic newspaper published in this county at Oneonta, Ala.

(Contestant offers the same in evidence. Contestee objects to the same. The same is hereto attached and marked "Exhibit No. 2.")

Q. How far is it eastwardly from Oneonta, Ala., to the county line?—A. About 11 miles.

Q. How far is it from the north line of Blount County to the south line of Blount County through that part of said county lying east of Oneonta, Ala., along what is called Straight Mountain?—A. About 30 miles, is the best of my judgment.

Q. What is the political complexion of that part of Blount County?—A. The majority is Republican.

Q. Is a single one of these registration appointments shown on Exhibit No. 1 in that part of the county lying east of the railroad?—A. No.

Q. How many of these registration appointments are on or near the railroad which runs through Oneonta, Ala.?—A. Remlap beat and Oneonta beat.

Q. What is the political complexion of Remlap and Oneonta precincts?—A. They are both Democratic majority.

Q. Was this registration mentioned in Exhibit No. 1 the first general registration of women voters in Blount County?—A. Yes.

Q. Had any previous registration of women been held in Blount County?—A. No.

Q. Were the places mentioned in Exhibit 1 the only places you ever saw advertised in any form that registration would be held?—A. Yes.

Q. Was any notice or any information ever given you by any registrar that registration would be held at any other time or place than those mentioned in Exhibit No. 1?

(Objected to by contestee.)

A. None whatever.

Q. Did you know of your own knowledge of registration being held at other times or places in Blount County than those mentioned in Exhibit No. 1?—A. No, sir.

Q. Please state at what other times or places you have since been informed that registration was held by one or more of the registrars or by some person claiming to represent them?

(Objected to by contestee.)

A. Cleveland, Liberty, Brooksville, Harmony.

Q. Was any notice or information of any sort given to you that registration would be held at either of these four named places?

(Objection by the contestee.)

A. None.

Q. Will you please name the voting precincts which lie, in part or in whole, east of the railroad running through Oneonta, Ala.?—A. Dailys, Hardwicks, Blount Highland, a part of Remlap, possibly a part of Hoods, and a part of Oneonta.

Q. What is the general direction of the railroad which runs through Oneonta?—A. A little northeast and southwest.

Q. Mr. Moody, a few days prior to the election did you hear any report or receive any information that an insufficient number of ballots would probably be sent to some of the strong Republican beats?—A. Yes, sir; it was a matter of common talk.

Q. Did you call upon Judge Aldredge and confer about the matter?—A. I did.

Q. Please state as near as you can what passed on that occasion—what was done and said.—A. Mr. Sloan and I stepped into the probate office and he was busy counting up a row of figures; we waited until he got through and recognized me, and he asked "What can I do for you?" I asked him if he knew how many women had registered? He said "I don't know; I am not through counting them up, but the number will reach somewhere about 3,000." I then asked him how many qualified male voters there were in the county. He said somewhere about 3,500. I said, "That will make a total of about 6,500 in all in the county." He said, "Yes." I then asked if he had a sufficient number of ballots for all to have one each on the election day. He said, "I think so; I have 10,000, about." I then served him, as the chairman of the Republican committee, signed by myself and the secretary, C. H. Davidson, of the said committee, also signed by J. B. Sloan, as the chairman of the campaign committee of Blount County, and J. W. Hughes, as the secretary of the campaign committee, demanding that he furnish enough ballots for each voter in Blount County to have one to cast his vote on the election day of November 2, 1920. This is a duplicate copy of the said demand, and commissioner hereto attaches the same and marks the same "Exhibit No. 3." He looked at the demand and read it and said, "Do you mean to serve this on me?" and I said, "Yes." He wadded it up and threw it in the fire, and this is twice that I have been approached on this subject. He said, "If I haven't got sense enough to run this office, you had better put somebody in here that has." He said, "You fellers are running around here, and because you are all rascals you think I am one." He said, "I have been trying to treat you fellers right in this matter," and I said, "No, Judge, we are not charging you with being a rascal; all we want is a square deal." He says, "You are acting very much like it, and you can get out of here," and I turned around and walked out, and he followed me nearly to the door in the hall. I think this is about all that occurred.

Q. State whether or not on the day following that this occurred, Mr. C. B. Kennamer, the Republican candidate for Congress, made a speech in the courthouse at Oneonta, Ala.?—A. Yes, sir; he did.

Q. Did he in that speech comment on the occurrence that took place in the probate office?—A. I do not think that he did on that particular case, but he did comment on the general shortage of ballots in the Republican precincts.

Q. State what he said.—A. He said that in his opinion it was a conspiracy concerted and handed down from headquarters to give the Republican precincts of the district a general shortage of ballots.

Q. On the next day or the following day was it published in the Democratic newspapers of the district and of Birmingham that it had been discovered that five of the election boxes sent out to the precincts of Blount County had no ballots in them or an insufficient number in them and that Judge Aldredge was in Birmingham having ballots printed for use in Blount County on the Sunday before the election on Tuesday?

(Objected to by the contestee.)

A. Yes; something to that effect.

Q. Do you remember what newspaper that you saw that in?—A. In the Birmingham News, is my recollection, and there was something said about it in the Southern Democrat, a newspaper published at Oneonta, Ala.

Q. Whose duty was it to send out the boxes to the several precincts?—A. The sheriff.

Cross-examined by Mr. LEE, attorney for contestee:

Q. Are you a Republican?—Yes, sir.

Q. Are you an active and vigilant Republican and a partisan Republican?—

A. I am what you may call an active Republican.

Q. Are you a partisan Republican?—A. I do not think so.

Q. What do you mean by the word partisan?—A. I mean by that I am not uncompromising or partisan Republican in full sense of the term.

Q. What do you mean by the word partisan?—A. I mean by that that I am not a partisan Republican, right or wrong, in the path or out of it. I stand for principle regardless of parties.

Q. When you say that Judge Aldredge and Sheriff Nations, and H. C. Hood, clerk, are partisan Democrats, do you mean to say that they stand for parties regardless of principles, for the right or wrong, in the path or out of the path?—A. I did not say that; I did say, to the best of my judgment, that they were partisan Democrats.

Q. When you called them partisan Democrats do you mean to state or infer that they would do anything corrupt, dishonorable, or wrong in the interest of their party?—A. I could not say whether they would or not.

Q. Is it not your best judgment that they would not?—A. My best judgment is that they would exert their utmost powers to carry their point in politics, and whether they would consider it right or wrong, I can not say.

Q. Is it not your best judgment that they would not do anything that you consider corrupt or dishonest in the interest of their party?—A. I can't say that.

Q. Do you say that they would?—A. No.

Q. Do you think either of the gentlemen named would be guilty of any act that was corrupt or dishonorable in the interest of their party that you would not do in the interest of the Republican Party?—A. In my opinion they would do some things that I would not do in politics.

Q. Do you know of anything that either of these gentlemen did that was corrupt or dishonorable in the congressional election held in this district on November 2, 1920?—A. Not specifically, except I don't think that Judge Aldredge had any right or authority to order me out of his office when the demand that I made was reasonable to all parties.

Q. Were you acting under any authority conferred upon you by the laws of this State when you made such demand on Judge Aldredge?—A. I think that I had a perfect right as a private citizen and the chairman of the Republican committee. I do not know of any express statute to that effect; I am not a lawyer; I think that I had a perfect right to make the demand.

Q. Is it not a fact that under the laws of this State the officers who have charge of the appointment of the election managers or the inspectors and the clerks are the probate judge, sheriff, and circuit clerk of the respective counties of the State of Alabama?—A. I think so.

Q. And this is true regardless of their political affiliations?—A. I think so.

Q. Judge E. G. Aldredge was elected probate judge and C. S. Nations was elected sheriff and H. C. Hood was elected circuit clerk of Blount County by the electors of said county in a general election, were they not?—A. Yes.

Q. They were serving in said offices by reason of said election on November the 2d, 1920?—A. Yes.

Q. Is it not a fact that the probate judge under the law of this State assists the sheriff in the preparation of the ballots for the election, but has nothing to do with the sending out of the ballots and the ballot boxes, that duty devolving upon the sheriff?—A. That is my understanding.

Q. Do you know of any Republican probate judges or circuit clerks in the seventh congressional district?—A. My understanding is that the probate judge of Cullman County is a Republican.

Q. Is it not a fact that the circuit clerk of St. Clair County is a Republican?—A. That is my information.

Q. Is it not a fact that both Cullman County and St. Clair County are in the seventh congressional district of Alabama, went by a large majority for Mr. C. B. Kennamer for Congress?—A. That is my information.

Q. Is it not a fact that the probate judge, sheriff, and clerk and the three registrars of Dekalb County are Democrats?—A. I think so.

Q. Is it not a fact that Dekalb County gave Mr. C. B. Kennamer, the contestant, a majority of something over 900 in the November election in 1920?—A. That is my information.

Q. Is it not a fact that under the laws of this State the chairmen of the respective party organizations, both Republican and Democratic, are authorized

by law to furnish the election board having in charge the appointment of the election managers or inspectors and clerks a list of names of persons who are members of their parties from which the election managers or inspectors and clerks are to be appointed for the holding of the election?—A. Yes.

Q. Is it not a fact that you, as the chairman of the Republican executive committee of Blount County, or Mr. J. B. Sloan, as the chairman of the Republican campaign committee, furnished such a list of names of Republicans to said board from which the election managers and clerks were selected to serve in such offices in the November election of 1920 in Blount County?—A. That is true.

Q. Did you or Mr. Sloan furnish this list?—A. I did.

Q. Is it not a fact that when the election officers are appointed for the conducting of the election and fail to qualify they have the authority under the law to supply other men to fill the vacancy caused by their failure to qualify? I mean by this question those election officers who qualify have the authority under the law to fill the places of those appointed who failed to qualify?—A. That is my understanding.

Q. Do you know the officers who held the election of November 2, 1920, in Daileys beat, No. 37, in Blount County, Ala.?—A. I do not remember who they were.

Q. Is it not a fact that they were all, or practically all, members of the Republican party?—A. I do not know.

Q. Do you know Davis Hays, Harley Bynum, John Kaufman, and Bent Stephens?—A. I do.

Q. Are they Republicans or Democrats?—A. They are all classed as Republicans except Kaufman, and he is classed as a Democrat.

Q. Is it not your information that Mr. Kaufman voted for Mr. C. B. Kennamer for Congress in the last election?—A. I have no positive information that he voted for Kennamer; it is a mere supposition on the part of some parties that he did.

Q. Did not the above-named gentleman act as an election official in the November election in Hoods beat in Blount County?—A. My information is that they all did except Mr. Stephens.

Q. Hoods beat went for Mr. Kennamer by a 44 majority out of a total vote of 189, did it not?—A. That is so, according to the official returns.

Q. Daileys beat went for Mr. Kennamer in the last election by a majority of 114 out of a total vote of 166, did it not?—A. One hundred and fourteen majority, according to the official returns.

Q. The total vote for Mr. Kennamer in Blount County in the last election was 3,389 as against 3,385 for the Republican electors for President, was it not?—A. It was, according to the official returns.

Q. The Republican candidate for tax assessor, Mr. Goddard, received 3,380 and the Republican candidate for tax collector, Mr. Buckner, received 3,391, and the Republican candidate for commissioner from the second district received 3,357, and the Republican candidate for commissioner from the fourth district, Mr. Logan, received 3,402 votes in the general election in November, 1920, did they not?—A. That is so, according to the official returns.

Q. All of those last-named gentlemen were defeated for the offices for which they were candidates on the Republican ticket by Democratic opponents, were they not?—A. Yes; according to the official returns.

Q. Did any of the Republican candidates for county offices in Blount County, Ala., in the November election in 1920 contest the election of their Democratic opponents?—A. No.

Q. They were defeated by practically the same majority by their Democratic opponents as was Mr. Kennamer by Capt. Rainey in this county, were they not?—A. Yes; according to the official returns.

Q. You do not know, do you, of your own knowledge, whether a majority of the managers and the clerks who served in the November election were Republicans or Democrats?—A. I do not know of my own knowledge who served, but I looked over the official list and a majority were Democrats.

Q. Was there not at least one manager and clerk in each voting precinct in the county appointed by the election board from the list you furnished to such board?—A. Yes; that is my recollection.

Q. In that respect the board complied with the laws of this State?—A. I think so.

Q. The registrars, under the law in this State, are appointed by the governor, are they not?—A. That is my information.

Q. Mr. Ketchum, Mr. Brown, and Mr. South are honest and reputable citizens of this county?

(Objected to by the contestant.)

A. I do not know of any of their dishonesty.

Q. What were the names of the Republican justice of the peace or notary public that were appointed by the board of registrars to take applications of parties who desired to register?—A. I do not think that they designated any particular persons, but they stated that any applications where the parties were not present and unable to attend in person would have to be done before a justice of the peace or a notary public, and that it would have to be stated in the application their inability to attend and that they would have to be true and they, the board of registrars, would then look them over and pass on them.

Q. The registrars decided upon this course after being advised that it was proper by both Democratic and Republican lawyers of this county?—A. I can not say about the Democratic part of it, but before they passed on it, so far as we Republicans had any knowledge of it, J. B. Sloan and myself came before the registrars while they were sitting at the courthouse, and called upon them for a ruling in this particular matter, and after some consultation with each other they made a ruling to that effect.

Q. Did not Mr. Sloan, a Republican lawyer of this county, advise them that they were within the law in allowing justices of the peace and notary publics to take these applications?—A. My recollection is that Mr. Sloan said that they had a right to make a ruling in this matter and we called on them for a ruling. I do not think he gave them any advice on the matter, for I do not think they were calling on the Republicans for advice.

Q. The Republicans gave advice very freely to the election officials and board of registrars just prior to the election, did they not?—A. Possibly some of them did, but I do not think that they heeded it very much.

Q. Mr. J. B. Sloan was a candidate for judge of the supreme court of the State of Alabama on the Republican ticket in the November election in 1920, was he not?—A. I think that that is right.

Q. Do you not know that that is correct?—A. I think that that is right.

Q. At the same time that Mr. Sloan was a candidate for the supreme court of Alabama on the Republican ticket in the November election in 1920 he was also chairman of the Republican campaign committee in Blount County, was he not?—A. Yes.

Q. Who was the Republican justice of the peace or notary public that took applications for persons to register?—A. J. W. Hughes, James Kay, and C. H. Davidson.

Q. What official position did J. W. Hughes have in the Republican organization in Blount County?—A. He was secretary of the Blount County Republican campaign committee.

Q. What official position did C. H. Davidson hold in the Republican organization at the time that he took these applications?—A. He was secretary of the Blount County Republican executive committee.

Q. The other gentleman, named Mr. Kay, is the Republican commissioner taking this testimony?—A. Yes.

Q. Is it not a fact that Mr. R. F. Trammell, a Republican, and a justice of the peace, also took such applications?—A. I can not say.

Q. Do you know, of your own knowledge, how many such applications were taken by and delivered to the registrars by the parties just hereinbefore named?—A. I do not know, of my own knowledge, but I have heard that "it was from 28 to 31.

Q. It is not a fact that the registrars issued registration certificates to all persons whose applications had been so taken?—A. That is my information.

Q. It is not your information that these named Republicans, justice of the peace, or notary public only took the applications of persons who were affiliated with the Republican Party?—A. No; that is not my information.

Q. Do you know whether or not, by information or otherwise, that it was their purpose to vote the Republican ticket in the November election?—A. I do not know.

Q. Was it not your understanding that these Republican justices of the peace or notaries public were to go out and take the applications of those persons whom they thought would vote for Mr. C. B. Kennamer for Congress?—A. My private opinion was that they were, but I understand that some of them voted the Democratic ticket.

Q. Are you a subscriber for the Southern Democrat, a newspaper published in Oneonta, Ala.?—A. I am.

Q. Is it not a fact that in the edition of this paper, published on Thursday, October 14, 1920, the registration notice that you have attached to your testimony and called Exhibit No. 1 was published on the front page of said paper verbatim, filling a space as large as such Exhibit No. 11?—A. I do not remember having noticed it; I was out in the campaign. I see it here in the copy of said paper shown me of that date.

Q. That paper is only published on Thursdays of each week, and this was the first publication after the registrars had been appointed and qualified?—A. I think that that is correct.

Q. Do you know when the registrars were appointed?—A. I did not know that we had any until I saw the registration notice in before the registration began.

Q. Is it not a fact that the registration notice referred to in Exhibit No. 1 was printed on October 11, 1920?—A. I do not know when the notices were printed.

Q. When did you first see one?—A. On October 11, 1920; about the middle of the afternoon; my recollection is that this was Monday.

Q. Do you know whether or not the Republicans were furnished with these notices shortly after they were printed?—A. I could not say; I do not know when they were printed.

(Witness is shown a United States Soil Survey map of Blount County, Ala., issued by the United States Government, and is asked if this is a map of Blount County, Ala.)

A. Yes.

Q. The portion of Blount County along what is called Straight Mountain, is that part of the county as shown by said map which lies southeast of the railroad and in the southeast corner of said map?—A. Yes.

Q. The places marked on said map by a circle are the places that the registrars visited, as published in their registration notice?—A. It is approximately correct.

Q. Those published places are, as a rule, the precinct in said county farthest removed from the county seat?—A. Yes; with a few exceptions.

Q. Quite a number of these beats are Republican beats and carried by Mr. Kennamer in the last election?—A. Six beats were carried by Mr. Kennamer and 10 beats were carried by Mr. Rainey of the beats in which the registrars sat for registration, as shown by Exhibit No. 1.

Q. You testified in your direct examination that you had been informed that registration was held by one or more of the registrars in Cleveland, Liberty, Brooksville, and Harmony beats?—A. Yes; that is my information.

Q. Of the four last-named beats, how many were carried by Mr. Kennamer?—A. Liberty was the only one carried by Mr. Kennamer; also Harmony beat by a small majority.

Q. The registrars spent the night in these beats as they were passing to beats as advertised and registered such persons as applied, did they not?—A. I do not know.

Q. Is that not your information?—A. No.

Q. From whom did you receive the information that an insufficient number of ballots was sent to some of the strong Republican beats or would be sent to some of the strong Republican beats?—A. It was a matter of common talk in the Republican circles.

Q. Do you know that as a matter of fact that an insufficient number of ballots was sent by the sheriff to any beat in the county?—A. I know of one election day that we went to the probate office and got a new supply of ballots and sent them out to Rays beat, as they had run short of ballots.

Q. Did you not hear and was it not freely talked in Oneonta that after the sheriff had filled a number of the election boxes with an ample number of tickets for all persons to vote in the precinct to which these boxes were to be sent, that the sheriff's office in the courthouse was entered and a number of tickets were extracted from said election boxes?—A. Yes; I heard that.

Q. What day did you first hear such report?—A. The day before the election.

Q. What was the name of the sheriff that preceded the present sheriff in office?—A. R. W. Buckner.

Q. Is he a Democrat or a Republican?—A. He is a Republican.

Q. Was he a candidate for tax collector on the Republican ticket in the November election, 1920?—A. Yes.

Q. Is it not a fact that the Republican organization, or persons who were members thereof, urged it upon the Republican voters one or more days before the election to vote early, or by 10 o'clock in the morning, as the tickets would probably run short?—A. In face of the report that the tickets would run short in the Republican beats and that the Democrats were being advised to vote early the Republicans also advised their folks to vote early also.

Q. Is it not a fact that it was your information that the Republicans did vote early in the different precincts in the county?—A. It is my information that they did.

Q. Can you name any Democrat that advised the Democrats to vote early?—A. I can not name any certain one; it was a matter of common talk.

(The contestee offers in evidence a United States Soil Survey map of Blount County, Ala., the same being hereto attached and marked Exhibit A, as above identified).

Q. Just prior to the election or since then have you any knowledge or information about anyone entering the sheriff's office and removing from the election boxes any tickets or ballots that had been placed therein by the sheriff?—A. Absolutely none.

Q. The notice that you served on Judge Aldredge and signed by yourself, C. H. Davidson, J. B. Sloan, and J. W. Hughes—I will ask you if C. H. Davidson is not a vigilant and active worker in the Republican Party?—A. I do not consider him very active; no.

Q. Would you call him a partisan Republican?—A. No.

Q. Was J. B. Sloan and J. W. Hughes vigilant and active workers in the Republican Party?—A. Yes; they are very active.

Q. Would you call them partisan Republicans?—A. Not so much so as to vote for a person, in the path or out of it, regardless of principle.

Q. At the time that you and Mr. Sloan presented the written notice hereinbefore referred to in your testimony, did you not know or have the information that other Republican gentlemen prior to your visit had called on Judge Aldredge and made practically the same request as was contained in your written notice, and that the judge advised them that he had 10,000 ballots, and that number was sufficient to place one in the hands of each voter in the county?—A. One other told me that he had had a talk with Judge Aldredge and said that he had 7,000 but had ordered 3,000 more.

Q. Is it not a fact that 10,000 ballots was more than a sufficient number to supply each qualified voter in the county with a ballot?

(Objected to by the contestant.)

A. Yes; if properly distributed.

Q. Prior to the time that Mr. Kennamer made the speech referred to in your direct examination, did you convey or do you know whether anyone else did convey to him the information as to what had occurred in Judge Aldredge's office as testified by you?—A. Yes; I told him about it, and showed him a copy of the notice.

Q. Did he give in that speech any statement of fact as a basis for his opinion that a conspiracy was concocted and handed down from headquarters to give the Republican precincts of the district a general shortage of ballots?—A. My recollection is he stated as his opinion that such was the case.

Q. In your direct examination you stated that on the next day it was published in the Democratic papers in the district and in Birmingham that it had been discovered that five of the election boxes sent out to the precincts of Blount County had no ballots in them, or an insufficient number in them, and that Judge Aldredge was in Birmingham having ballots printed on the Sunday before the election. Now, in what papers did you see this in the district, and when did you see them?—A. I saw something concerning it in the Birmingham News. I can not say positively what day it was. I saw something concerning it in the Southern Democrat; in the next issue.

Q. Is it not a fact that the Southern Democrat was not published until Thursday after the election on Tuesday?—A. I think that is correct.

Q. Is it not a fact that Judge Aldredge did not go to Birmingham on the Sunday referred to in your testimony?—A. I do not know.

Q. You stated in your examination that it was common talk that there would be a shortage of ballots in the boxes of the different precincts. Now, state the names of the persons that you heard say this and their party affiliation.—A.

Judge Curtis was the first person that I heard say it; he said he got his information in Gadsden.

Q. Is Judge Curtis a Republican?—A. Yes.

Q. When did you hear him say this?—A. About the 28th or the 29th day of October, 1920. My best recollection is that it was the 29th.

Q. Was it not a day on which Mr. Curtis made a speech in Oneonta, and was that not Saturday the 30th day of October?—A. No.

Q. Are you positive about this?—A. I am.

Q. Where was Mr. Curtis at the time that you had this talk with him?—A. On the street in Oneonta about opposite to the Hughes café.

Q. Was that before or after you served the notice?—A. That was before. My recollection is it was on the same day I served the notice.

Q. Mr. Curtis resides in Jasper, which is without the seventh congressional district, does he not?—A. Yes.

Q. Did he tell you from whom he had got this information at Gadsden?—A. No; but he said that it was a matter of common talk over there.

Q. Can you name any others?—A. Yes; Mr. J. B. Sloan, Judge Davidson, J. T. Johnson, and a number of others. It was a matter of common talk.

Q. Are the gentlemen named Republicans?—A. Yes; the Democrats were not saying anything about it as I heard.

Q. Did you hear Mr. Luther Lathem say anything about it?—A. I do not remember.

Q. Did you hear either J. M. Hughes or R. W. Buckner say anything about it?—A. I do not recall positively that I did.

Q. Do you know of any Republican in Blount County who was qualified to vote and did not vote on account of a scarcity of ballots?—A. No.

Redirect examination by Mr. J. B. SLOAN for the contestant:

Q. State whether or not the Republican candidates were all in the same column in the official ballot.—A. Yes; they are.

Q. Can the Republican ticket be voted by making one cross mark in the circle at the top of the column?—A. Yes; under the Republican emblem.

Q. State, if you know, how the United States mail reaches the different points of registration, beginning with Snead, as advertised in Exhibit No. 1.—A. The Snead mail goes to Altoona and then out on a rural route. It will take from one to two and possibly three days for the mail to reach these precincts.

Q. State in what precincts the different registrations are located as advertised in Exhibit No. 1, and the vote, respectively, for Candidate Rainey and Candidate Kennamer.—A. Snead is in Campbell's beat. Rainey received 102, Kennamer 113; High Mound, in Burgett's beat, Rainey received 39 and Kennamer 140; Summit is in Summit beat, Rainey received 184 and Kennamer 37; Pocahontus beat is in Pocahontus beat, Rainey received 130 and Kennamer 120; Eagle schoolhouse is in Bright Star beat, Rainey received 69 and Kennamer 127; Blountsville, which is in Blountsville beat, Rainey received 441 and Kennamer 83; Gum Springs, which is in Gum Springs beat, Rainey received 170 and Kennamer 35; Blount Springs, in Blount Springs beat, Rainey received 84 and Kennamer 5; Sulphur Springs, in Reeds Gap beat, Rainey received 104 and Kennamer 25; Sibleyville is in the Reeds Gap beat. Hayden is in Calvert's beat, Rainey received 123 and Kennamer 131; Walkers, in Walker's beat, Rainey received 100 and Kennamer 106; Remlap, in Remlap beat, Rainey received 76 and Kennamer 25; Selfville in Self's beat, Rainey received 75 and Kennamer 71; Locust Fork, in White's beat, Rainey received 116 and Kennamer 192; at courthouse, Oneonta beat, 36, Rainey received 410 and Kennamer 283 according to the official returns.

Q. State the number of ballots the probate judge is required to furnish under the State law.—A. Two ballots for each qualified elector.

Q. State who prompted the contestee's counsel during the examination of this witness.—A. Judge E. G. Aldredge.

Q. State the names of those that you know, of your own knowledge or information that registered voters of the county other than the official registrars.—A. I state from information, the following-named gentlemen.

(Objected to by the contestee.)

Dan Rascoe, Dr. N. C. Denton, Dr. M. Denton, W. P. Cowden, Dr. J. S. Witmeirer, Gurley Hedgecock, John Dutton, and a number of others that I can not recall.

Q. Are all of the gentlemen named Democrats?—A. Yes.

Recross-examination by Mr. LEE for the contestee:

Q. The voters can vote for the candidate of their choice by placing a cross marked in front of his name and not make a cross mark under the emblem of either party?—A. That is my information.

Q. A ticket of this nature is what is commonly called a mixed ticket, is it not?—A. Yes; provided you vote for the candidates of different parties.

Q. Were not a number of such tickets voted in Blount County?—A. The percentage was very small.

Q. What is the distance by the usual mode of travel between Sulphur Springs and Sibleyville in Reeds Gap beat?—A. My judgment is that it is about 18 miles.

Q. Do you know whether or not Mr. Lee, the contestee's counsel, requested Judge Aldredge to advise with him in the examination of witnesses?—A. No.

Q. Is it not a fact that Mr. Sloan, the attorney for the contestant, frequently conferred with you before answering questions propounded to you by contestee's attorney?—A. Very little.

Q. Are you familiar with section 34 of the acts of the Legislature of Alabama, approved October 2, 1920, which provides, in substance, that the registrars shall have the power and authority to make such rules and regulations as they deem proper for the receipt of applications for registration, said act being known as the registration act?—A. I have read the act and my information is that such is the case.

Q. Were not the registrars acting under this authority when they authorized both Republican and Democratic notaries and justices to receive and take such applications?

(Objected to by the contestant.)

A. I do not know.

D. E. MOODY.

Subscribed and sworn to before me this 4th day of February, 1921.

JAMES KAY, *Commissioner*.

(Contestant's Exhibit A, soil map of various counties of Alabama, omitted in printing.)

CONTESTANT'S EXHIBIT No. 2.

[From the Southern Democrat, Oneonta, Ala., Nov. 11, 1920.]

Official returns, general election, Nov. 2, 1920.

	President.		Congress.		Assessor.		Collector.	
	Democrat. electors.	Republican electors.	Rainey, Democrat.	Kennamer, Republican.	Harmon, Democrat.	Goddard, Republican.	Blackwood, Democrat.	Buckner, Republican.
Blount Springs.....	84	5	84	5	84	5	83	6
Gum Springs.....	170	35	170	35	170	35	173	35
Moore's.....	70	101	70	100	71	100	70	100
Pocahontas.....	130	118	130	120	180	120	131	120
Blountsville.....	441	80	441	83	439	81	446	79
Brooksville.....	119	75	119	76	119	71	120	75
Summit.....	185	37	184	37	184	37	182	40
Campbells.....	100	114	102	113	100	114	102	114
Hoods.....	73	116	72	116	73	115	73	116
Hardwicks.....	30	273	30	274	32	271	31	272
Chepultepce.....	101	83	101	77	96	83	96	83
Cleveland.....	192	73	195	71	201	65	204	65
Rosa.....	41	132	41	132	42	131	54	117
Whites.....	115	192	116	192	123	186	119	191
Remlap.....	77	25	76	25	75	24	77	25
Baileys.....	18	81	18	81	18	84	18	84
Selfs.....	74	72	75	71	78	65	74	72
Royal.....	90	45	89	45	88	46	89	45
Walkers.....	100	106	100	106	98	108	100	106
Bangor.....	70	8	69	8	69	8	69	8
Joy.....	28	82	28	82	28	82	28	82
Rays.....	105	170	105	170	105	172	105	172
Nectar.....	100	105	100	105	100	105	100	104
Reids Gap.....	104	25	104	25	106	25	102	29
Thompsons.....	27	80	28	80	28	80	28	80

Official returns, general election, Nov. 2, 1920—Continued.

	President.		Congress.		Assessor.		Collector.	
	Democrat- ic electors.	Repub- lican electors.	Rainey, Demo- crat.	Kenna- mer, Repub- lican.	Harmon, Demo- crat.	Goddard, Repub- lican.	Black- wood, Demo- crat.	Buckner, Repub- lican.
Calverts.....	121	130	123	131	122	131	118	135
Compton.....	17	11	17	11	19	9	19	9
Blount Highlands.....	32	51	32	51	31	52	29	54
Burgetts.....	39	140	39	140	40	138	40	139
Liberty.....	118	130	118	130	118	133	119	131
Concord.....	44	127	44	127	40	129	42	129
Harmony.....	13	21	14	20	14	20	14	20
Oneonta.....	412	276	410	283	404	289	405	288
Dailys.....	26	139	26	140	26	139	28	139
Bright Star.....	69	127	69	127	69	127	69	127
Total.....	3, 534	3, 385	3, 539	3, 389	3, 540	3, 380	3, 554	3, 391

	Commissioner.				Members of school board.					
	Second district.		Fourth district.							
	Martin, Demo- crat.	Self, Repub- lican.	Mc- Curry, Demo- crat.	Logan, Repub- lican.	Pass, Demo- crat.	Miles, Demo- crat.	Cow- den, Demo- crat.	Gibbs, Repub- lican.	By- num, Repub- lican.	Bel- lew, Repub- lican.
Blount Springs.....	84	5	84	5	84	84	84	5	5	5
Gum Springs.....	170	35	170	35	170	170	170	35	35	35
Moore's.....	70	100	70	100	70	70	70	100	100	100
Pocahontas.....	130	122	130	118	130	130	130	118	118	118
Blountsville.....	437	82	441	81	446	442	443	78	80	80
Brooksville.....	136	58	120	72	121	120	120	72	73	72
Summit.....	182	39	184	37	184	183	184	37	38	37
Campbells.....	100	113	100	113	100	100	100	118	113	113
Hoods.....	74	114	72	115	73	72	72	116	118	114
Hardwicks.....	31	273	30	274	30	30	31	274	274	273
Chepultepec.....	100	77	101	77	83	84	83	86	86	86
Cleveland.....	195	69	194	69	198	198	198	69	68	67
Rosa.....	41	132	41	132	41	41	41	132	132	132
Whites.....	117	191	120	190	118	118	118	191	191	191
Remlap.....	73	25	55	48	65	67	67	26	27	27
Baileys.....	17	82	18	82	18	18	18	82	82	82
Sells.....	75	73	74	72	75	75	75	72	72	72
Royal.....	92	42	89	44	89	89	91	44	44	42
Walkers.....	99	106	99	106	99	99	99	106	106	106
Bangor.....	69	8	69	8	69	69	69	8	8	8
Joy.....	28	82	28	82	28	28	28	82	82	82
Rays.....	106	170	104	170	105	87	104	171	172	171
Nectar.....	100	105	100	105	100	100	100	105	105	105
Reids Gap.....	106	25	106	25	106	106	106	25	25	25
Thompsons.....	28	79	28	80	28	28	28	81	81	81
Calverts.....	133	131	123	131	122	123	122	131	131	133
Compton.....	17	11	17	11	17	17	17	11	11	11
Blount Highlands.....	30	50	24	58	32	32	32	50	50	50
Burgetts.....	40	138	40	138	40	40	40	138	138	138
Liberty.....	123	128	119	131	119	119	119	131	130	130
Concord.....	43	128	43	128	43	43	43	128	128	128
Harmony.....	14	20	14	20	14	14	14	20	20	20
Oneonta.....	411	280	413	279	412	411	410	280	283	280
Dailys.....	27	139	26	139	26	26	26	139	140	139
Bright Star.....	71	125	69	127	69	69	69	127	127	127
Total.....	3, 559	3, 357	3, 515	3, 402	3, 524	3, 496	3, 521	3, 383	3, 394	3, 380

Miss ANNIE CHEATWOOD, a witness for the contestant, is duly sworn, and testifies as follows, to wit:

Q. Do you live near Bangor, Ala.?—A. I live 6 miles out on a rural route from Bangor.

Q. Do you know whether you live in Walkers beat or not?—A. I live in Walkers beat, in Blount County, Ala.

Q. Do you know John Tucker?—A. I know him when I see him.

Q. On the Sunday before the last election do you remember of being down at Ossie Holt's?—A. Yes, sir.

Q. Who all were present on that Sunday at Holt's?—A. Mr. Holt was there and Lucile Cornelius, and Mr. Holt's family was there.

Q. Was Mr. Holt's wife present?—A. Yes.

Q. Tell what Mr. John Tucker did in reference to registering Miss Ossie Holt on that Sunday.

(Objected to by the contestee.)

A. He said that he would send her her registration card on the next day by mail, as he did not have it with him.

Q. Did Miss Holt sign any paper while in your presence and in Mr. Tucker's presence?

(Objected to by the contestee.)

A. I think she did; that is the best of my recollection.

Q. Do you know of any other person that Mr. Tucker registered on that day?

(Objection by the contestee.)

A. Mrs. Sultainy Williams told me that Mr. Tucker had registered her on that day.

Q. Are they Democrats or Republicans?—A. They are all Democrats.

Cross-examination by Mr. LEE for the contestee:

Q. How old are you?—A. Fourteen years of age.

Q. What is your political faith?—A. Republi'can.

Q. Do you know what kind of paper that Mrs. Holt signed?—A. No, sir; I was not in the room; I was standing at the door.

Q. Did you see her sign any paper?—A. It is the best of my recollection that she did, but I would not say that she did.

Q. Do you know of your own knowledge whether Mrs. Sultainy Williams and Mrs. Holt voted in the last November election in 1920?—A. No.

Q. Then you do not know of your own knowledge whether they voted a Democratic or a Republican ticket, do you?—A. No, sir.

Q. Is Mr. John Tucker a justice of the peace or a notary public in Walkers Beat or in this county?—A. I do not know.

Q. Do you know the difference between a registration application and a registration certificate?—A. No; I did never see one.

Redirect examination by Mr. JOHNSON for the contestant:

Q. Tell what was said by Mr. Tucker and Mrs. Holt at that time.—A. I heard him say that he would send her her registration certificate to her on the next day, and she said all right.

Q. Did Mrs. Holt make any other statement?

(Objection by contestee.)

A. She said that I could tell everybody that she was registered.

Q. Was Mrs. Holt sick or well?—A. She was up.

Recross-examination by the contestee:

Q. Do you know whether or not Mrs. Holt appeared before the registrars in person during the time they were sitting and registered?—A. I do not know.

ANNIE MAE CHEATWOOD.

Subscribed and sworn to before me this 4th day of February, 1921.

JAMES KAY, *Commissioner*.

R. S. DINGLER, a witness for the contestant, is duly sworn and testifies as follows, to wit:

Q. Where do you live?—A. I live 2 miles northwest of Blountsville, Ala., in the Blountsville precinct in this county.

Q. Did you vote in the last November election in this county?—A. I did.

Q. When you went to cast your ballot in the last election, what point in Blountsville was the election being held?—A. It was held in the corner building where Powers has a store.

Q. Was that the building in which they usually hold the elections in that precinct?—A. No; it was the first one that I ever knew them to hold there.

Q. How long have you been living in that precinct?—A. From the fall of 1910.

Q. When you went in to cast your ballot how many persons were there inside of the place that they were holding the election?—A. Myself and two others besides the managers and clerks.

Q. How many ballots were there cast at this precinct at Blountsville?—A. I do not know the exact amount; it was about 400.

Q. To refresh your recollection, did not Rainey receive 441 and Kennamer 80 at that Blountsville box?—It is my recollection that Rainey got over 400 and Kennamer got over 80 votes.

Q. How many voting places were there in that precinct during the last election?—A. One.

Q. That was all, was it?—A. All that I knew anything about.

Q. Did you challenge any votes at that box on that day?—A. I did.

Q. Whose vote was that?—A. Preacher Whittaker's wife.

Q. At the time that the challenge was made, what was said by the person challenged or her husband in her presence as to how long she had lived in Blount County?

(Objection by the contestee.)

A. Her husband said that they had not lived in the county for 12 months.

Q. Where was that statement made?—A. He was standing right outside of the gate just at the ropes.

Q. About how many persons were within 30 feet of where the election was being held?—A. I do not know the exact number, but they were standing around thick.

Q. Do you know who the returning officer was at that box?—A. Mr. Posey, I suppose.

Q. Was he a Democrat or a Republican?—A. He is counted to be a Democrat.

Q. Immediately after you challenged this woman's vote, what, if anything, did the returning officer say to you about challenging any other votes?—A. He told me to get out of the house and not to be challenging any other votes, and stay out of there.

Q. Was there anything else said by him at that time?—A. Not as I remember.

Q. Was Mrs. Whittaker permitted to vote at that election box at that time?—A. Her husband rushed into the house and they got up a big argument in the house, and I heard him say that if her vote ain't here, where is it at?

(Objected to by the contestee.)

Q. What else took place at that time and place?—A. That is all that I know of.

Q. Are you a legal voter at the Blountsville precinct?—A. I am.

Cross-examined by Mr. LEE for the contestee:

Q. You are a Republican?—A. I was at this election.

Q. Have you been a Democrat before that time?—A. The election before this one I voted right under the rooster.

Q. In this election you voted right under the elephant, did you?—A. I did.

Q. In the prior election at the time you voted under the rooster you have voted a mixed ticket, have you not?—A. I have.

Q. How far removed from the building in which the November election was held was the building in which the election just prior thereto was held?—A. It was across the square in the building known as the Holly Building.

Q. The electors of that precinct knew where the election was held, did they not?—A. I suppose that they did.

Q. Prior to this election had the women in that precinct the right to vote?

(Objected to by contestant.)

A. No, sir.

Q. In your judgment, about how many votes were polled in that precinct prior to the enfranchisement of the women?—A. About 250 or 275, in my best judgment.

Q. Do you know whose duty it is under the law to establish voting places in a precinct?

(Objected to by contestant.)

A. I do not know.

Q. Do you know what length of notice is required to be given before a voting place can be established in a voting precinct?

(Objected to by the contestant.)

A. I do not.

Q. Do you know what length of time expired between the time the registration closed in Blount County and the time the election was held?—A. I don't.

Q. Were you a manager or clerk on the election of November 2, 1920, in the Blountsville precinct?—A. I was not.

Q. Was there a Republican manager and clerk at this voting place in such election?—A. Yes; but I do not know about a clerk.

Q. Do you know whether or not any of the managers in said election challenged Preacher Whittaker's wife?

(Objection by the contestant.)

A. I do not know.

Q. Did you present her with an affidavit, as provided by law when a vote is challenged to make before she votes?

(Objection by contestant.)

A. I did not.

Q. Had you voted prior to the time that you challenged Mrs. Whittaker's vote?—A. I had; I do not remember how long before it was.

Q. Had you left the building since you voted and before you challenged her vote?—A. I had.

Q. What were you doing in the building at the time you challenged her vote?—A. I went in there to challenge her vote and to inform the managers that she had not lived in the county 12 months.

Q. Had you not been in the building several times since you had voted and the time that you challenged her vote?—A. I had not.

Q. What was the length of this building?—A. Some 35 or 40 feet long.

Q. In what part of the building was the election officers holding the election?—A. In the back end from the entrance.

Q. When you stated that people were standing around thick you meant they were standing outside of the building?—A. They were standing thick outside of the building and against the ropes.

Q. They were both Democratic and Republican voters in the crowd?—A. There was.

Q. Do you know Mr. W. I. Corbin?—A. Yes.

Q. Did you see him there on the election day?—A. Yes.

Q. Do you know whether or not he voted?—A. I do not know.

Q. Did Uncle Bill Corbin come over to that election precinct to vote on that day?

(Objection by the contestant.)

A. He said he did.

Q. What is your best information that Corbin voted?—A. I have no information as to whether he voted or not.

Q. Is he a Democrat or a Republican?—A. He is a Republican.

Q. Did he not live at Gadsden a short time before the election?—A. I do not know it, but he said he did.

Q. Had he lived in the Blountsville beat for three months just preceding the election?—A. He did not.

Q. Do you know whether Mrs. Whittaker's name was on the poll list of the qualified electors of the Blountsville beat?—A. I do not know.

R. S. DINGLER.

Subscribed and sworn to before me this 4th day of February, 1921.

JAMES KAY, *Commissioner*.

JESSIE PHILLIPS, a witness for the contestant, is duly sworn to speak the truth, and testifies as follows, to wit:

Q. Were you a qualified voter, residing in Blountsville precinct, in Blount County, Ala., at the last November election?—A. Yes, sir.

Q. Were you one of the managers at the last election in that precinct?—A. Yes, sir.

Q. Who were the other managers at said election?—A. Robert Tidwell, Henry Love.

Q. Were they both Democrats?—A. Yes, sir.

Q. Were the election managers sworn in at that box?—A. They were not.

Q. Did Preacher Whittaker's wife vote at said election?—A. Yes, sir.

Q. Was she required to take a challenged oath?—A. She was not.

Q. Do you know whether Sam Brown's wife voted at that box at said election?—A. I do not remember.

Q. How many voters were allowed inside of the polls at said election at one time?—A. From four to six at one time.

Q. Was this election held at the usual place of holding elections in said precinct?—A. We have no certain place of holding the same.

Q. Was this election held at the same place as the regular election immediately preceding?—A. No, sir.

Q. How far from that place was it held?—A. About 80 or 100 yards distant.

Cross-examined by Mr. LEE for the contestee:

Q. Was that election fairly conducted?—A. Yes, sir; as far as I know.

Q. You were the Republican manager, were you not?—A. Yes, sir.

Q. Did anyone suggest that the managers be sworn in?—A. Yes, sir; I did.

Q. Did you take the oath?—A. No, sir.

Q. The managers and clerks signed the certificates as to the result of the election?—A. Yes, sir.

Q. Do you know of your own knowledge how Mrs. Whittaker voted?—A. I do not.

Q. Do you know whether or not W. I. Corbin voted in that election?—A. I do not know.

Q. Was there any objection by either Democratic or Republican voters to the place where the election was held?

(Objection by contestant.)

A. No, sir; not as I know of.

Q. Was there any qualified voter who desired to vote prevented from voting, due to the fact that the election was held in said store?

(Objection by the contestant.)

A. No, sir.

Redirect-examination by Mr. JOHNSON for the contestant:

Q. Mr. Lee asked you a while ago if the election in that precinct was fairly held; now I ask you if you did not mean that the count was fair as far as you knew?—A. Yes, sir.

Q. Did you not know that Bobby Tidwell did take a vote out on the street and get his wife to vote and bring the ballot back after it had been voted out on the street and place it in the ballot box, and it was counted?

(Objected to by the contestee.)

A. Yes; that is true.

Q. This is the same Robert Tidwell that was a manager at this box?—A. Yes; that is true.

Q. In what kind of a box was the ballots placed at the time they were voted?—A. A pasteboard box.

Recross-examination by Mr. LEE for the contestee:

Q. Each voter in that election voted for his choice of candidates freely and without hindrance, did they not?—A. So far as I know.

Q. When you said the election was fairly conducted you meant from the time that the polls were opened and the votes were counted?—A. Yes, sir.

Q. How old was Bobby Tidwell's wife?

(Objection by the contestant.)

A. About 65 years of age.

Q. What was her physical condition on the day of the election?

(Objection by the contestant.)

A. She was considered a cripple.

Q. Was she brought to the polling place in a buggy?

(Objection by the contestant.)

A. She was brought there in an auto car.

Q. Did the managers of the election consent to Mr. Bob Tidwell, her husband, and one of the managers, to take a ticket out to her to mark?

(Objection by the contestant.)

A. I told Mr. Tidwell he had better go and bring her in; then he says, "We have heretofore voted old Uncle Jack Campbell that way," so I said, "All right."

Q. Was there any objection to her vote being polled and counted?—A. No, sir.

Q. Did Uncle Bob Tidwell ask you to go with him to carry the ticket to his wife?—A. Yes, sir.

JESSIE PHILLIPS.

Subscribed and sworn to before me this 4th day of February, 1921.

JAMES KAY, *Commissioner*.

R. E. HEAD, a witness for the contestant, is duly sworn and testifies as follows, to wit:

Q. Where do you live?—A. Cleveland, Blount County, Ala.

Q. Are you a legal voter in the Cleveland precinct?—A. Yes, sir.

Q. Do you remember of the evening of the 18th day of last October, 1920, about 8 or 9 o'clock at night; did you hear Hustin Blackwood's big whistle blow?—A. Yes; it blowed two short toots, and in about three minutes it repeated the same blow.

Q. Is Mr. Hustin or H. C. Blackwood a Democrat or Republican?—A. A Democrat.

Q. Is he active in politics?—A. Yes, sir.

Q. After you heard that peculiar whistle what did you do then?—A. In about five minutes a friend of mine came to my house and told me he believed that there was a trick being worked in this town this night and wanted me to go and see if they was not registering down there; as he did not want to have anything to do with it I went down to town, and the board of registrars was registering the women, and I went back home and got my wife and one other neighboring woman and carried them to register.

Q. Where were they registering the women on that night?—A. At the Drs. Miles and Brown drug store.

Q. Had there been any written notice posted up there or given by the registrars that they would register there that night?—A. There had not.

Q. Now, about what size place is the town of Cleveland; about what population?—A. About 800 or 1,000, I suppose.

Q. Are the people that live in hearing of that whistle that blew that night and in the town mostly Democrats or Republicans?—A. Mostly Democrats.

Q. When you went down to the drug store where they were registering, about how many Democratic women were there before the registrars?—A. About five or six.

Q. Did you see any others coming?—A. I did.

Q. What did you do when you saw them registering these Democratic women?—A. I went home.

Q. How long were you gone?—A. About 10 minutes.

Q. And when you returned what were the registrars doing then?—A. They were still registering women.

Q. About how many Democratic women were there when you returned?—A. Four.

Q. Did you see any Democratic women coming?—A. No; they were all going back home.

Q. Dr. Miles is the same man that was a candidate on the Democratic ticket for the school board in the November election, was he not?—A. Yes, sir.

Q. Dr. Brown was a son of one of the registrars?—A. Yes, sir.

Q. Did you see Dr. Brown have anything to do with the registering any of the women on that night?—A. I did.

Q. What was it?—A. He got a register receipt and says that I am going to get another, and with this carried it to Mr. Bill Fincher's home with Mr. Fincher and registered his wife.

Q. Did any other Republican women register there except your wife and the other lady that you took there?—A. None on that night that I know of.

Q. About what time of the night did you leave the place where the registering was going on?—A. About 8.30 o'clock in the evening.

Q. About how many Democratic men did you see about that drug store on that night?—A. About 10 or 12 in the house and on the outside together.

Q. Were any Republican men around that drug store on that night or in it?—A. One beside me.

Q. When was the first time that you learned that the registrars would register the women voters on that night?—A. Not until I went down there on that night.

Cross-examination by Mr. LEE for the contestee.

Q. You are a Republican, are you not?—A. Yes, sir.

Q. Do you know at what time the registrars reached Cleveland on that day?—A. I do not.

Q. Do you know how long they had been there before the whistle blew?—A. No, sir.

Q. Mr. Blackwood's big whistle was a whistle at his heading mill?—A. Yes, sir.

Q. Do you know whether or not the heading mill had been broken down on that day?—A. I do not.

Q. Had you been to town on that day?—A. Yes, sir.

Q. The heading mill is right in town, is it not?—A. Yes, sir.

Q. And did you not notice the heading mill and that it was not in operation?—A. I did not; I am a rural mail carrier, and I am gone all day.

Q. Are you active in politics?—A. No, sir.

Q. How far, in your judgment, can that whistle be heard?—A. It has been heard 12 miles; the short blow I can not say.

Q. It blew four times, did it not?—A. It blew twice, and blowed two short blows each time.

Q. Would you say that a majority of the legal voters who resided in a circle whose circumference was 12 miles from Cleveland were Democrats?—A. I do not know.

Q. Was there anything peculiar about that whistle that would give any information to Democrats that it did not give to Republicans?

(Objection by the contestant.)

A. I think not.

Q. Do you know of any arrangement that had been entered into by Mr. Blackwood or the registrars at the blowing of that whistle to be the signal that the registrars were there and for the voters to come in and to register?—A. I do not.

Q. What was the name of the friend that told you that he believed a trick was being worked, and that he did not want to have anything to do with it?—A. I know his name, but he made me promise him not to tell it unless I had to.

Q. Do you now refuse to give his name in your testimony?—A. Yes; I believe I will give it; it is Rev. T. N. Martin.

Q. Is he a Republican or a Democrat?—A. He is neither one. He voted the independent ticket in the last election, but he has mostly been voting the Democratic ticket.

Q. Did he vote for Mr. Kennamer or Capt. Rainey in the last election?—A. I do not know.

Q. Did you hear him say how he had voted in the last election for Congress?—A. No, sir.

Q. Do you know where the registrars sat before they came to Cleveland on that day?—A. Yes, sir; Remlap in the morning, and Selfville and Locust Fork in the evening.

Q. Were they not to sit at Oneonta on the next day?—A. I think so; I am not sure.

Q. Is not Cleveland on the route most usually traveled from Locust Fork to Oneonta?—A. Yes, sir.

Q. About what distance is it from Locust Fork to Oneonta by that route?—A. About 15 miles.

Q. Mr. Brown, one of the registrars, lived at Cleveland, d'd he not?—A. Yes, sir.

Mr. NASH, attorney for the contestee, propounds the following questions to the witness, to wit:

Q. Your wife is a Republican, and she registered at the sitting of the registrars at Cleveland on that night, did she not?—A. Yes, sir.

Q. Who was the lady that went before the registrars with you and your wife?—A. Mrs. Ella Fricks.

Q. She was also a Republican, is she not?—A. Yes, sir.

Q. Is it not a fact that you notified other Republicans of the fact that they, the registrars, were registering at Cleveland on that night?—A. No, sir; I did not; my wife notified Mrs. Fricks.

Q. Did your wife notify others except Mrs. Fricks?—A. No, sir.

Q. Is it not a fact that the registrars were in a public place and registering all that wished to register, and who was entitled to register?

(Objected to by the contestant.)

A. Yes; so far as I know.

Q. The registrars did not fail to or refuse to register anyone who presented themselves at that time, did they?—A. I don't know; I did not even go inside.

Q. You do not know, of your own knowledge, how many Republican ladies registered at that time, do you?—A. The two mentioned are all that I know of.

Q. You do not know, of your own knowledge, whether there were other or not, do you?

(Objected to by contestant.)

A. Yes; there was others, but not on that night.

Q. How long were you there at the place and around and near or about the place where they were registering on that night?—A. About five minutes; I walked to the door and seen what they were doing and then went away.

Q. At this time, where did Mr. Bill Fincher live?—A. About a block from the drug store.

Q. How long was Dr. Brown gone when you say he went to Mr. Fincher's and registered his wife?—A. I do not know.

Q. Is it not a fact that you do not know whether Dr. Brown registered Mrs. Fincher at that time?—A. I saw him with the registration receipt in his hand, and he said I am going to register another, but I do not know, only what he said.

Q. Is it not a fact that you do not know whether Dr. Brown had a register's receipt or an application to register?

(Objection by contestant.)

A. I do not know.

Q. State whether or not Dr. Brown carried with him a registration receipt, or an application to register, if you know.

(Objection by contestant.)

A. I do not know.

Q. Is it not a fact that while on your mail route that you solicited people to register and vote at about this time?—A. I did not.

Q. At about that time, while on your mail route, what did you tell Bill Patterson in regard to the registration?—A. I do not remember of saying anything to him about it.

Redirect examination by Mr. JOHNSON for the contestant:

Q. Have you observed who it was that was prompting Mr. Rainey's counsel while in the courtroom to-day?

(Objection by the contestee.)

A. I have, Judge Aldredge.

Recross examination by Mr. NASH, attorney for the contestee:

Q. You do not know whether the counsel for Mr. Rainey has asked Judge Aldredge to prompt him or not, do you?—A. No, sir.

Q. Neither do you know whether Mr. Rainey has requested Judge Aldredge to assist his counsel in this matter?—A. No, sir.

ROY E. HEAD.

Subscribed and sworn to before me this 4th day of February, 1921.

JAMES KAY, *Commissioner*.

W. A. HENDERSON, a witness for the contestant, is duly sworn according to law and testifies as follows, to wit:

Q. What precinct do you live in in this county, at the time of the last election?—A. In beat No. 6, Brooksville.

Q. Were you one of the election officers?—A. Yes; I was a clerk at the election held on November the 2d, 1920, at Brooksville.

Q. Do you know a man in that precinct by the name of John McWhorter and his wife?—A. I do.

Q. On the election day do you know where he was?—A. I do. He was sick with the fever and was very bad off at his home.

Q. Do you know if any one on the election day carried some ballots down to his home for him and his wife to vote, and if so tell all the circumstances connected with it.—A. Whaley Aldredge, Jim Carnes, Green Mardis went down there that morning about 10 o'clock with two blank ballots, and Mr. McWhorter was asleep and they brought the blank ballots back and says he will go back later when he rouses up; and they went back about 3 o'clock in the afternoon and took two blank ballots and voted him and his wife, I suppose, and came back with the ballots and put them in the ballot box, and I helped count out that night and did not find any blanks in the ballot box.

(Objected to by the contestee.)

Q. Was the names of Mr. John McWhorter and his wife put down on the poll list as voters?—A. Yes, sir; and all of the votes in the ballot box were counted.

Q. Who was it that went down in the afternoon to the house of Mr. McWhorter?—A. Whaley Aldredge and either Jim Carnes or Lewis Suttles.

Q. Did anybody else go with them?—A. I do not know.

Q. What is the political faith of the parties named that went down to the house and voted these parties?—A. They are each Democrats.

Q. Do you know the political faith of Mr. and Mrs. McWhorter?—A. In my judgment, they are Democrats; that is what everybody says.

Cross-examined by Mr. NASH for the contestee:

Q. You are a Republican, are you not?—A. Yes, sir.

Q. Mr. Green Mardis is also a Republican and a manager at the election held in the Brookside beat on November 2, 1920?—A. Yes, sir.

Q. State whether or not Jay Hoyt Eller was an official at the election in that precinct at that time.—A. He was; he was what is called a marker, or a watcher, and got paid for his work on that day.

Q. State whether or not J. Hoyt Eller is a Republican or a Democrat.—A. He is a Republican.

Q. How far did John McWhorter live from the place of holding the election at that time.—A. About 100 yards.

Q. Who were the managers at that place on that day?—A. Green Mardis, and Jim Deel, Louis Suttles.

Q. Who was the other clerk at that time and place?—A. John Shelton, jr.

Q. Who was the returning officer for the polls at that place at that time?—A. Whaley Aldredge.

Q. On that morning what was said in regard to when Whaley Aldredge, Jim Carnes, and Green Mardis carried ballots down for Mr. McWhorter and his wife to vote?—A. It was talked over at the polls, and one said it was all right, and I said I did not know, and there was no objection raised, and they went.

Q. At the time that it was talked over were you and Green Mardis present, and Jay Hoyt Eller?

(Objected to by the contestant.)

A. We was.

Q. You do not know whether Jay Hoyt Eller went down to Mr. McWhorter in the afternoon or not?—A. I do not.

Q. When the ballots were returned on that afternoon by Mr. Aldredge and the others, state whether you or Mr. Green Mardis and J. Hoyt Eller was present.—A. We were all present.

Q. State whether or not either of you three gentlemen at the time the ballots of Mr. and Mrs. McWhorter were returned objected to them being placed in the ballot box.—A. We did not object to it.

Q. State whether or not you as clerk placed the names of Mr. and Mrs. McWhorter on the poll list without objecting to the same.—A. Yes.

Q. State whether or not the election on that date was conducted fairly, in your judgment.

(Objection by contestant.)

A. It was, except that.

Q. Do you know of your own knowledge how Mr. and Mrs. John McWhorter voted at this election?—A. I do not know.

Q. In your judgment at the time of this election there was no fraud practiced at the polls at that place, was there?—A. Not unless this was fraud.

Redirect examination by Mr. J. T. JOHNSON for the contestant:

Q. How many of the managers at that election box were Democrats?—A. Two of the managers were Democrats, and one clerk, and the returning officer, and one marker, or watcher, and there was one manager and one clerk that were Republicans, and one marker was a Republican.

W. A. HENDERSON.

Subscribed and sworn to before me this 4th day of February, 1921.

JAMES KAY, *Commissioner*.

FEBRUARY 5, 1921.

L. H. BROWN, a witness for the contestant, is duly sworn according to law and testifies as follows:

Q. Where do you live?—A. I live here at Oneonta, Blount County, Ala.

Q. Are you a qualified elector in the Oneonta precinct?—A. I am.

Q. In the last election that was held, in which Mr. Rainey and Mr. Kennamer ran for Congress, what office, if any, did you hold in said election?—A. I was one of the clerks at said election.

Q. Who was the other clerk?—A. H. C. McPherson.

Q. What is his political faith?—A. A Democrat.

Q. Give the names of the managers and their political faith.—A. J. C. Nations, a Democrat; W. M. Hagood, a Democrat; J. W. Hughes, a Republican.

Q. Who was the returning officer and his political faith?—A. John Moore, a Democrat.

Q. What is your political faith?—A. A Republican.

Q. How many voting places were there in the Oneonta precinct?—A. One, only.

Q. How many persons appeared before the managers and whose names were recorded on the poll list at the said election?

(Objected to by contestee.)

A. There was six hundred and eighty some odd; I do not remember the exact number.

Q. Can you tell how many more votes were counted than there were electors that appeared and voted?—A. There were four or five.

Q. Do you know how those four or five extra votes got in the box?—A. I do not.

Q. Tell in what part of the courthouse that the election was held.—A. It was held in court room in side of the bar.

Q. About how many persons were in side of that bar at one time during said election?—A. There was as much as 25 at one time; there was that, or more, and sometimes less.

Q. Describe the conditions that existed during the said election in the court room and outside of the bar.—A. It was considerably crowded and in a general state of confusion a part of the time; the people were anxious to vote.

Q. How about the conditions within the bar?—A. That was confused at times.

Q. How about the noise and loud talking?—A. There was considerable of that.

Q. How about the desire of the electors to find out how the others were voting?—A. They seemed to be interested in finding out how the others voted, and wanted them to vote right.

Q. Were they interested in electors voting right or in having them vote as the zealous ones desired?—A. They seemed to want to know that they voted as they desired them to vote.

Q. Can you tell how many active Democrats stayed within the bar during that election that were not officials of said election?—A. There was some two or three there pretty regularly, and others in and out during the day.

Q. Can you tell who they were that were in the bar all of the time during the day?—A. Yes; Alfred Bains was one, Dr. N. C. Denton was another.

Q. What office in the Democrat Party did Mr. Bains hold at that time?—A. I do not know what office he held at that time; he had been chairman of the Democratic executive committee.

Q. Did you see these gentlemen meet the electors as they came within the bar and go with them and get their tickets and assist them in marking their tickets or ballots, without any request from the voters?—A. I saw them meet the voters, but I do not know what passed between them and the voter.

Q. Did you hear any request from the voters that these gentlemen assist them in preparing their ballots?—A. I heard some request them to assist them, and some I did not.

Q. About how many voters did you see these gentlemen assist that you did not hear any request from the voters for assistance?—A. I saw several. I have no judgment as to the number.

Q. What kind of boxes were furnished to place the ballots in at said election as they were voted?—A. We used a regular form of a ballot box until it was filled then we used pasteboard boxes.

Q. They were just piled in loose in the regular box until it was filled?—A. Yes; that was the way that it was done.

Q. Who brought the pasteboard boxes into the room where the election was being held?—A. John Moore, the deputy sheriff, brought them in.

Q. How long did that confusion exist that you spoke of around the polling place?—A. It was two or three hours.

Q. Was there a great many challenged votes voted there was there not?—A. Yes.

Q. What time of the day did the Democrats do the most of their challenging, in the forenoon or in the afternoon?—A. I think it was in the forenoon.

Q. If in the afternoon did not the Republicans begin challenging the Democratic voters on the same ground that the Democrats had been challenging the Republican votes on, and that the Democrats became very preemptory, and state what they did.

(Objection by the contestee.)

A. The voters were challenged on the ground that they had moved away.

Q. Did you hear any of the Democratic managers, or any of those that were active at the said election, speak in a preemptory manner in regard to the Republicans challenging the Democratic voters?—A. I did.

Q. Did you know Miss Fay Arnold, that formerly resided at Oneonta, Ala.?—A. I did.

Q. Did you live just across the street and almost in front and in sight of her stepmother and where her sister, May Arnold, resided?

(Objection by contestee.)

A. I do.

Q. Did Miss Fay Arnold get her a position in the State of Mississippi and go there in June or July before the election, and did not return until after the election?

(Objection by contestee.)

A. Yes.

Q. Did Miss Fay Arnold vote an absentee vote at the Oneonta box at the said election?—A. Yes.

Q. Did you know Miss McNeel, the milliner for the Bynum Bros., in Oneonta, Ala.?—A. Yes.

Q. I will ask you whether or not she comes here in the millinery season and returns to her home in Tennessee until the next millinery season?—A. She does.

Q. She just stays here during the millinery season only?—A. Yes.

Q. About how long is the millinery season in the spring and fall?

(Objection by contestee.)

A. The season runs about three months in the spring, and about three months in the fall.

Q. Do you know whether or not she voted at this box in the said election?—

A. She did; that is my best judgment.

Q. Do you know whether Mrs. Peterman voted at this box in the last election?—A. She did.

Q. Did she ever live in this precinct as you know of?—A. No, sir.

Q. Do you know Murray Hare and his wife?—A. Yes.

Q. Where were they residing at the time of the said election?—A. In St. Clair County, Ala.

Q. How long had they been living in St. Clair County at the time of said election?—A. About five or six months is the best of my recollection.

Q. Do you know whether or not Murray Hare and his wife voted an absentee vote at this box at the said election or not?—A. They did; that is the best of my recollection.

Q. Do you know a man by the name of Rev. R. V. Lock?—A. I do.

Q. Do you know where he lived at the time of the said election?—A. He lived in Jefferson County, Ala.

Q. Do you know how long he had lived in Jefferson County at the time of said election?—A. Some three or four months is my best recollection.

Q. Did he vote at this box at the said election?—A. Yes.

Q. Did you know a man by the name of Henderson Mullins, or H. D. Mullins?—A. Yes.

Q. Do you know where he was living at the time of the said election?—A. Yes; he was living in Jefferson County, Ala.

Q. How long had he been living in Jefferson County at the time of said election?—A. About 12 months, is the best of my recollection.

Q. Do you know a man by the name of L. A. Clayton?—A. Yes.

Q. Where was he living at the time of said election?—A. Jefferson County, Ala.

Q. Did he and Mr. H. D. Mullins vote at this box at said election?—A. Yes.

Q. Do you know a man by the name of R. B. Ustick?—A. Yes.

Q. Do you know where he was living at the time of said election?—A. Well, he had his and his wife's votes here as absentee votes, but they were here on the election day, and wanted to enjoy the privilege of voting in person, and their absentee votes were laid aside.

Q. Do you know whether he had sold out his business and moved to Jefferson County at that time or not?—A. I know that he had sold out his business, but do not know where his household goods were.

Q. Did he and his wife vote at the said election in the precinct?—A. Yes, sir.

Q. Do you know S. B. Allgood?—A. Yes, sir.

Q. Do you know whether or not he had moved to Jefferson County or not at the time of said election?—A. Yes; he had.

Q. Did he vote at this election at this precinct?—A. Yes.

Q. How about his wife; did she vote also?—A. I do not think that she voted.

Q. All of these persons that you have told us about whose homes were not in this precinct and voting here, were they Democrats or Republicans?—A. They were Democrats.

Cross-examined by Mr. LEE for the contestee:

Q. Brown, how many names of qualified electors was furnished to the election managers in the Oneonta box at the last election?—A. We did not have a poll list.

Q. Do you know whether they were placed in the box or not?—A. No; I do not know.

Q. Would you swear that every qualified elector who voted in that box was enrolled by you, as one of the clerks, on a list kept for that purpose?—A. Yes; to the best of my judgment.

Q. In the confusion in which you have testified is it not probable that some votes were cast and you missed getting their names?—A. Such could happen.

Q. As one of the officers of that election in the box, explain how there were four or five more votes counted than there were electors who appeared and voted?—A. I do not know how it occurred.

Q. If you do not know the number of the electors that voted how can you swear that more were counted than voted?—A. I know by the posting on the bill board down there.

Q. Are you swearing from what you saw posted on a bill board or from your knowledge?—A. I am swearing to what I saw.

Q. As a clerk in said box was it not your sworn duty to tabulate and count the votes for the respective candidates as they were taken from the ballot box and announced by the managers?—A. That is what we endeavored to do.

Q. Did you count or place upon a sheet prepared for that purpose any number or any vote for any candidate that was not announced by the managers?—A. I did not.

Q. Do you know the number of votes that were so tabulated and counted by you, as such clerk?—A. I do not know the exact number; we did not figure it up that night.

Q. You were furnished with a blank on which the vote for each candidate was to be enrolled, were you not?—A. Yes, sir.

Q. Did you not fill up this blank on the night of the election and total the same and sign an affidavit that that was the total number or the correct number of votes cast in said box on that day?—A. Yes.

Q. Explain how it was that on the night of the election you signed an affidavit stating that the number as shown by said sheet was the number of electors that had voted in such election and you now swear that there were four or five more counted than appeared and voted.

(Objected to by contestant.)

A. I can not explain it.

Q. Do you charge that any or all of the managers at said election in such box placed any ticket in the ballot box about which you have testified for any elector that did not appear and vote or whose absentees ballot was not presented to them?—A. No.

Q. Did you see or note any evidence of corruption or fraud on the part of any officer conducting said election?—A. No.

Q. You spoke of there being as many as 25 persons at one time inside of the bar on the election day; was that in the morning?—A. Yes; that was in the forenoon.

Q. Is it not a fact from your knowledge of the party affiliations of those who voted in the forenoon a majority was Republicans?—A. No.

Q. It is then your judgment that more Democrats voted in the early part of the day than did Republicans?—A. Yes.

Q. I will ask you is it not a fact that a majority of the Republican votes that were cast in said election in your best judgment were cast before noon?—A. Possibly so.

Q. Now, Mr. Johnson, the attorney for the contestant had you tell how many active Democrats were within the bar during the election. Now tell how many active Republicans you saw within the bar during the day of which said election was held.

(Objection by contestant.)

A. There was two in particular, and sometimes three.

Q. Name them.—A. W. G. Engle, F. E. Daily.

Q. Did you see Jim Green in there?—A. Yes; a part of the time.

Q. Did you see his wife?—A. Yes; she was there.

Q. Did you see Mrs. Gibbs in there?—A. Yes; I saw Mrs. Gibbs in there; she was in and out.

Q. Did you see Mrs. D. E. Moody in there?—A. Yes. I do not remember whether she came inside of the bar or not.

Q. What position did Mr. D. E. Moody hold in the Republican Party on the day of the said election?—A. He was chairman of the Republican executive committee.

Q. The fact is, Mr. Brown, there was about the same number of Republicans as there was Democrats, were there not?—A. Yes; as near as I can guess at it.

Q. Is it not a fact that you noticed some of the Republicans you have just named in there before you saw Mrs. Alfred Bains?—A. I could not tell.

Q. These Republican gentlemen and ladies would meet the electors that came within the bar and go with them and get their tickets and assist them in marking their tickets, would they not?—A. Possibly they marked some of the tickets, but Mr. Engle did most of marking of the tickets.

Q. What was Mr. Engle's political affiliation?—A. Republican.

Q. Did you not see Mr. Engle take a number of ballots and go out with voters outside of the room where the election was being held and afterwards return with them when they cast their ballots?—A. No.

Q. Did you see Mr. Engle in company with the electors who had tickets leave the room in which the election was held?—A. No; not that I remember.

Q. The confusion and noise and loud talking was participated in by both Republicans and Democrats, was it not?—A. Yes, sir.

Q. The ballot boxes used in this election was similar to the ballot boxes used in the elections prior thereto, were they not?—A. Yes; to some extent.

Q. This was the first election in which the women had participated?—A. Yes.

Q. About what proportion of the electors that voted in this election were women?—A. Nearly one-half.

Q. What do you mean when you say that the Democratic managers spoke in a peremptory manner in regard to the Republicans challenging the Democratic votes?—A. I mean that some of them got mad and asked them to not come back in there.

Q. Had these Republicans that were challenging the votes voted in that election prior to the time that they challenged the vote of the electors?—A. Yes; but they were not inside of the bar where the election was being held.

Q. Did they come inside of the bar when they challenged the voter?—A. If they did I do not remember it.

Q. What distance would you say they were from the election officers at the time they challenged the voter?—A. About 8 or 10 feet.

Q. How many Republicans would you say were challenging the voters?—A. About two or three as well as I remember.

Q. Name them.—A. J. W. Hughes, W. G. Engle, J. T. Johnson; that is all I recall now.

Q. Were they requested by the managers of said election to act as challengers?—A. Not that I know of.

Q. Was not their action and conduct in the challenging of said voters calculated to cause confusion?—A. Yes; it always brings on confusion when a man is challenged.

Q. Do you know whether the voters were presented by these Republicans with challenge affidavits to be signed by the challenged voter?

(Objection by contestant.)

A. Yes; that is the way it was carried on on that day.

Q. Do you know whether any of the Republicans had advised a challenged voter to take the oath?—A. I think they did.

Q. Where had Miss Fay Arnold lived practically all of her life, or since you first knew her before she got her position about which you testified about?—A. She lived here at Oneonta, Ala., pretty near all of her life.

Q. Is it not a fact that she did not live with her stepmother, but lived with her uncle prior to her going away?—A. She did not live with either one; she lived with Mrs. Wooten.

Q. All you know about her going to Mississippi is what you have heard?—A. I know that she went.

Q. Did you ever see her in Mississippi?—A. No.

Q. Have you ever seen her out of the State of Alabama, since you have known her?—A. No.

Q. Do you know of your knowledge whether when she left Oneonta she give up her citizenship here in Oneonta?

(Objection by contestant.)

A. No; I do not.

Q. Do you not know that under the law in this State a party may have resided in another State for a number of years and yet retain their citizenship in the State of Alabama?

(Objection by contestant.)

A. That is my idea of it.

Q. Is it a fact that is a large number of citizens of Alabama who have resided in Washington for a number of years, yet vote in Alabama?

(Objection by contestant.)

A. Yes.

Q. Is it not a fact that Mr. Simeon Allgood, the commissioner of agriculture, now resides with his family and has resided for about six years in Montgomery, Ala., which is without the seventh congressional district, yet votes and holds his citizenship in Blount County?—A. Yes.

Q. Do you know from your own knowledge whether Miss Fay Arnold came back to Oneonta between the time that she left and November election?—A. No, sir; if she was here I did not know it.

Q. Did you know how long Miss McNeel has been living in Oneonta?—A. I do not know how many years she has been coming down here to the Bynum Bros.

Q. The six months out of each year that she held the position with Bynum Bros. in each year she lived in Oneonta, did she not?—A. Yes.

Q. She only left Oneonta when her employment gave out?—A. Yes.

Q. Do you know whether or not she claimed her citizenship in Oneonta?—A. No.

Q. Do you know whether or not her vote was challenged?—A. If it was I do not remember it.

Q. Was there any objection made by the election officers to her voting?

(Objection by contestant.)

A. None that I remember of.

Q. Mrs. Peterman, do you know whether she ever lived in Oneonta?—A. I did not know that such a woman lived in the town until she was brought in to vote.

Q. Do you know old man Hayden?—A. Yes.

Q. He has lived here for some time prior to the last election?—A. Yes.

Q. Is not Mrs. Peterman his daughter and lives in the same building with him?—A. Yes; that was the way I was informed on the election day.

Q. Was her vote challenged?—A. I do not know whether it was or not.

Q. Has not Murray Hare resided in Oneonta for some time, a year or more, prior to his going to St. Clair County?—A. Yes.

Q. Has he been in St. Clair County for a year prior to the election?—A. No.

Q. In view of the fact that an objection is being made to the length of this cross-examination and the commissioner desires to save all the time possible and is insisting that the examination be cut as short as possible, I will not ask the witness about each individual named by him who is not residing in Blount County on the day of the election. Now, as to all of these witnesses that you have heretofore named in your direct examination, is it not a fact that they all have resided in Oneonta, Blount County, Ala., and so far as you know still claimed Oneonta as their legal place of residence?—A. Yes; as far as I know.

Q. Name as many Republicans as you can who voted at the Oneonta box in the November election of 1920, who did not at that time reside in Oneonta,

Ala.?—A. J. T. Mathews, who lives in Etowah County now; James Armstrong, who lives in Jefferson County, I think; Rev. S. S. Owens voted, he resided in Jefferson County at that time; Sam Love and his wife voted, they lived in Jefferson County at that time; Mrs. Will Walker voted, she lived in Hoods's beat, in this county.

Q. Did Mrs. M. R. Horton vote in the said election?—A. Yes.

Q. How long had she been living in this beat?—A. She came back in May, June, or July, last summer.

Q. How long had it been since she had resided out of Alabama?—A. From four to six months is my best judgment.

Q. How long had Mrs. Paul Brasher been in this beat prior to the election?—A. She was here seven or eight months is my best judgment.

Q. Did she not live in Florida before she came to Blount County?—A. Yes.

Q. How long had S. P. Ware and his wife been in Oneonta prior to the election?—A. The old man Ware and his wife have resided here for seven or eight years.

Q. Is it not a fact that in the spring prior to the election of November, 1920, he had a sale, sold out his property, and left the State, both him and his wife?—A. Yes. He had the sale, but left the State on a visit; that is what he told me.

Q. How long was he and his wife gone?—A. I do not remember; it was not very long.

Q. Did he not tell you after he had the sale of his property that he was going to leave Blount County?—A. No, sir.

Q. Did he sell out all of his property?—A. I suppose so I could not tell you.

Q. Do you know Noah Whited and his wife and Clifton Whited and his wife?—A. Yes.

Q. Did they not move to Florida?—A. Yes.

Q. How long had it been, prior to the election, since they came back from Florida?—A. Noah and his wife came back some time last winter. I do not know when the others came back, but is some time after.

Redirect examination by Mr. JOHNSON for the contestant:

Q. Is Mrs. Paul Brasher the wife of Rev. Paul Brasher, a Methodist preacher?—A. Yes.

Q. Did he not serve as such at Oneonta, Ala., for two years just prior to the time that he went to Florida?—A. Yes.

Q. Did not the authorities of his church require him to go to Florida and serve a charge there and then return to his old home?—A. Yes.

Q. Did you on the night of the election become worried and tired, and after the votes were counted never went back and checked up to see if there was more votes counted than there was voters who voted?—A. Yes; that is the way that it went off—

Q. And it was the next morning before you discovered the discrepancy?—A. Yes; that was the way of it.

Recross-examination by Mr. LEE for the contestee:

Q. The persons about whom I ask in my cross-examination who did not reside in Oneonta, Blount County, or who had resided in States other than Alabama, were Republicans, were they not?—A. Yes.

Q. How many preachers did the church that Mr. Brasher served, in Oneonta, have as their pastor while he was in Florida?—A. Only one.

Q. What was his name?—A. Mr. Allen, and probably Adecock.

Q. Who is the pastor of that church now?—A. Mr. Black.

Q. The election officials of this box did their duty as best they could, did they not?—A. Yes, sir.

L. H. BROWN.

Subscribed and sworn to before me this 5th day of February, 1921.

JAMES KAY, *Commissioner*.

A. N. TIPPEN, a witness for the contestant, is duly sworn and testifies as follows, to wit:

Q. Where do you live?—A. I live in beat No. 14, Remlap, in this county.

Q. Do you know Mrs. C. C. Strawn and her two daughters, Mrs. Long and Mrs. Brooks?—A. Yes, sir.

Q. Do you know whether they were duly registered as qualified voters of the Remlap beat, in this county?—A. They had the register receipts.

Q. Do you know whether Mrs. Strawn presented herself to vote at the last election of 1920?—A. She went in, and then came out, and told me that they would not let her vote.

(Objection by the contestee.)

Q. After that did you have any conversation with the election managers?

(Objection by contestee.)

A. I did.

Q. What was said by the election managers?

(Objection by contestee.)

A. Mr. Joe Hullett, one of the managers of said box, called me into the polling place and told me that Mrs. C. C. Strawn could not vote, and I asked why she could not vote, and he said that it was not legal; then I asked him why she could not vote a challenged vote, and he said he had a letter from E. G. Aldredge, probate judge, stating to not let them vote; and I asked him to produce the letter, and he did, and showed me his authority, and I told him that was all right.

Q. Now, did Mrs. Strawn demand of the election managers, or did you demand it for her, a challenged vote?—A. I did not; I do not know what she did.

Q. How many election managers was there that was Democrats, and how many were Republicans?—A. There was one Republican manager and one Democrat manager.

Q. Was two managers all they had at that box?—A. There was two Republican officials there, and all the rest of the board was Democrats, including the returning officer.

Q. Tell how many Republican managers there was, and how many Democrat managers there was, and clerks and the returning officers.—A. There was one Republican manager and one clerk, a Republican; and two Democrat managers, and one clerk and one returning officer that was Democrats.

(NOTE.—The witness asks to make the following correction, to wit: "When I said that there was two Republican managers on the board I meant to say that there was two Republican officials on the election board.")

Q. Was Joe Hullett the manager with whom you had that conversation and who exhibited the letter a Democrat?—A. Yes.

Q. Was Mrs. Strawn permitted to vote at that election?—A. No.

Q. Is she a Republican?—A. Yes.

Q. Did she inform her two daughters, Mrs. Long and Mrs. Brooks, that she had been refused the right to vote?

(Objection by contestee.)

A. She did.

Q. Did her daughters then go to the polls?—A. They did not present themselves to vote.

Q. What reason did the election managers give for refusing Mrs. Strawn the right to vote?

(Objection by contestee.)

A. The only reason assigned to me was that she was not entitled to vote.

Q. Are her daughters Democrats or Republicans?—A. Republicans.

Cross-examination by Mr. LEE for the contestee:

Q. Do you know of your knowledge whether Mrs. Strawn voted in said election?—A. I do not.

Q. Do you know whether or not a challenge oath was presented to Mrs. Strawn at the time she presented herself to vote, and that she refused to sign the same?—A. I do not.

Q. After Mr. Hullett showed you his authority did you not tell him it was all right for her not to vote?—A. No.

Q. Did you not say in your direct examination that I asked him to produce the letter, and he did and showed me his authority, and I told him that was all right?—A. Yes.

Q. Name the election managers in the Remlap beat in said election.—A. I. W. Hill, Pink Higginbotham, and Joe Hullett.

Q. Are you through?—A. No; Joe Huey, he was returning officer, Ed. Murphree.

Q. Can you name any others?—A. Not at the present.

Q. Name the clerks at the said election.—A. Pink Higginbotham was acting as clerk when I went into the house, the other one I did not notice who was acting as clerk on the other side.

Q. In the letter that Mr. Hullet showed you was Mrs. Strawn's name mentioned in it?—A. No.

Q. Was there any name mentioned in the letter?—A. Not that I know of.

Q. Were you present when Mrs. Strawn talked to her two daughters on the day of the election about whether or not she voted?—A. No.

Q. What you testified about in that respect in your direct examination was what either she or your father told you?—A. Certainly it was.

Q. Do you know whether or not Mrs. Strawn was a qualified elector in the Remlap precinct in the last election, in November?—A. I do not know of my personal knowledge.

Q. Are you a Republican?—A. I am.

Q. Did you vote in the November election?—A. Yes.

Q. Did you vote for Mr. C. B. Kennamer?—A. I did.

Q. Prior to the election in November did you go to Mississippi?—A. I did not.

Q. Where did you go?—A. Sumter County, Ala.

Q. How long did you stay?—A. From the 27th day of October to the 2d day of February following, 1920.

Q. Did you take your family with you?—A. I did.

Q. Before you left did you sell what property that you had other than what you took with you?—A. I sold a part of it.

A. N. TIPPINS.

Subscribed and sworn to before me this 5th day of February, 1921.

JAMES KAY, *Commissioner*.

J. M. WILDER, a witness for the contestant, is duly sworn and testifies as follows, to wit:

Q. Where do you live?—A. Precinct No. 13, in Blount County, Ala.

Q. Were you one of the election managers in the last election in that precinct?—A. I was.

Q. Name the managers and the clerks that served at the box at the said election and their political faith.—A. J. Jones, a clerk and a Democrat; John Weston, a clerk and a Republican. I am not sure that I can remember just who was in that election.

Q. About how many Republican votes are usually cast in that precinct, and how many Democrat votes are usually cast in that precinct?—A. There was about 50 Democratic votes cast until the last election, and there was about 70 Republican votes cast up until the last election.

Q. When you opened the ballot box on the morning of the election, tell how many ballots that you found in the box.—A. I do not remember the exact number.

Q. What is the best of your recollection?—A. About 200 ballots.

Q. Who carried the ballot box to the place of election on that morning?—A. I did not see them carry it.

Q. Where was the ballot box containing the ballots on the morning of the election when you first saw it?—A. It was sitting on the table at the polling place.

Q. And who was there with the ballots at that time?—A. Mr. Jethro Calvert, the returning officer.

Q. Had the box been opened at that time?—A. It was not opened at that time.

Q. How many votes were cast at that polling place in the November election of 1920?—A. I do not remember the exact amount at this time.

Q. To refresh your recollection, was there not 192 Republican votes cast at that election at that time and 115 Democrat votes cast at the same? Were there sufficient ballots furnished at that polling place to make 100 ballots for each 50 voters for that election?—A. There was not in the box when it was opened.

Q. How did you get sufficient ballots for that box?—A. We got a man to come to Oneonta for them.

Q. Who was that man?—A. Mr. Richard Vaughn.

Q. Did you run out of ballots before the others arrived?—A. No sir.

Q. You said that this box was in the custody of Jethro Calvert, the returning officer of the said beat. Was he a Democrat or a Republican?—A. He was a Democrat.

Q. How many Democrat managers at the last election was there, and how many of them were Republicans, at the last election at that box?—A. Two Democrats and one Republican.

Q. How many Democratic clerks, and how many Republican clerks were there at the said election?—A. One of each.

Q. Do you know Mr. Gene Little, who lives in that precinct?—A. Yes, sir.

Q. Is he a Democrat or a Republican?—A. He is a Democrat.

Q. Do you know whether he carried away from that voting place a number of ballots and had them voted by persons that were away from the said voting place, and had them returned and placed in the ballot box?—A. He did not carry them off of the election grounds.

Q. Tell just what he did do?—A. He carried a couple of ballots for about 20 or 30 steps and had them voted by parties in a buggy.

Q. Then what did he do with them?—A. He brought them back and gave them to me and I put them in the ballot box.

Cross-examined by Mr. NASH for the contestee:

Q. Are you a Democrat or a Republican?—A. Republican.

Q. You have stated that you were a manager at said election, in precinct No. 13, in the last election. Who were the other two managers?—A. I do not now recollect.

Q. Is it not a fact that you do not know whether they were Republicans or Democrats, since you do not know whom they were?—A. I did know.

Q. Please state how you know if you do not know whom they were?—A. I do know who they were.

Q. Then you were mistaken when you stated that you did not remember whom they were?—A. I do not remember which was clerks and which was managers.

Q. Give the names of those present on the morning of the election was first opened?—A. I can't do it.

Q. Were you present when the said ballot box was opened?—A. Yes, sir.

Q. Did you count the ballots that were in the box at that time?—A. I counted one bunch of them, while the others counted the balance.

Q. At that time did you know the number of ballots that were in the box?—A. I did.

Q. Is Richard Vaughn a Democrat or a Republican?—A. He is a Democrat.

Q. State whether or not he came to Oneonta for more ballots?—A. We asked him to come and get ballots, and made up money for him running the car, and he returned with the ballots.

Q. Did anyone else bring ballots to that box except Mr. Vaughn, on that day?—A. If they did I did not see them.

Q. Do you know O. B. Taft, of Oneonta?—A. No, sir.

Q. Do you know whether or not that Mr. Taft brought ballots there on that day?—A. I do not know.

Q. Give the names of those who requested Mr. Richard Vaughn to go to Oneonta, Ala., for extra ballots at that time?—A. I asked him for one, and J. Jones was another, and John Westan.

Q. Is it not true that the majority of those who helped pay the expense of Mr. Vaughn were Democrats?—A. I could not say; we were all anxious to get the ballots.

Q. On that morning who first requested that the ballots be counted?—A. I did.

Q. To whom did you make that request?—A. The entire bunch; no special one.

Q. Had you prior to this time had any information that the ballots would likely be short?—A. Yes, sir.

Q. When and where and by whom did you receive this information?—A. It was here at Oneonta; I heard some parties talking that there was not enough ballots ordered to meet the requirements of the law; I can not name the parties at this time.

Q. How long prior to the election was this?—A. Some four or five days, in my judgment.

Q. State whether or not the persons whom you heard mention this were Democrats or Republicans?—A. I do not know.

Q. State whether or not you heard anything on the Saturday prior to the election in regard to the ballots being short.—A. I do not know whether it was Saturday or not.

Q. State whether or not there was some parties came from Oneonta to your mill on Saturday prior to the election and told you about the ballots being short and to vote early.—A. Some one came to the mill and said something to that effect, but I do not know that it was Saturday.

Q. Was it not J. B. Sloan and R. W. Buckner that came to the mill and told you this?—A. I think not.

Q. Who was it?—A. I would not state positively that any person told me that at the mill. It was common talk.

Q. State whether or not J. B. Sloan talked with you just prior to the election in regard to the shortage of the ballots.—A. My recollection is that J. B. Sloan, J. T. Johnson, and T. B. Russell at Russell & Johnson's office talked about the matter.

Q. State what was said at that time and by whom.—A. I can not do that; I can give you the substance of it.

Q. State whether or not you had any information or knew anything of ballots being taken from the ballot boxes in the sheriff's office before they were sent out.—A. I never heard of that until after the election.

Q. Is it not a fact that the Republicans voted early on the morning of the election in your precinct, in said election?—A. Not any earlier than the Democrats; they all got in early as possible.

Q. Is it not a fact that the Republicans in your precinct were requested by the Republican leaders to vote early, for the tickets would probably be short?—Yes, sir; and I think the Democrats were also the way that they flocked in.

Q. You know nothing of the Democrats being requested to vote early of your own personal knowledge, do you?—A. Not of my own knowledge.

Q. State, in your judgment, was there any corruption or fraud on the part of the election officers or other persons connected with the said election at your precinct at said election.—A. None that I know of.

Q. State whether or not Mr. Gene Little voted for Mr. Kennamer or for Mr. Rainey, if you know.—A. I do not know.

Q. Do you know R. M. Brumley and his wife Rhoda Brumley?—A. Yes, sir.

Q. Is it not a fact that they moved to Arkansas and then moved back into Alabama about two months before the election?—A. I do not know when they came back.

Q. Was it more than 12 months before the election that they moved back from Arkansas?—A. I think not.

Q. Did these parties vote at the said election?—A. I do not know.

Q. Is it not a fact that W. F. Wilder had not lived in beat No. 13 only about two months prior to the said election?—A. No; he had been there longer than that.

Q. Did he vote at the said election?—A. He did.

Q. Did he vote for Mr. Kennamer or for Mr. Rainey?—A. He voted for Kennamer.

J. M. WILDER.

Subscribed and sworn to before me this 5th day of February, 1921.

JAMES KAY, *Commissioner*.

This commission having been continued from the 5th day of February, 1921, to the 7th day of February, 1921, by the commissioner.

FEBRUARY 7, 1921—9 O'CLOCK A. M.

R. W. OWENS, a witness for the contestant, is duly sworn according to law and testifies as follows, to wit:

Q. What is your name and residence?—A. My name is R. W. Owens, and my residence, Burgett beat, Blount County, Ala., No. 32, and my post-office address is Horton, R. F. D. No. 2, Alabama, and my temporary residence is at present just across the line in Marshall County, Ala.

Q. Were you or any other members of your family qualified electors at the election held in this county on November 2, 1920?—A. We were, in my judgment.

Q. Did you or any of the members of your family present yourselves and offer to vote at the said election held in said beat?—A. Yes, sir.

Q. Were you or any of the members of your family prevented from voting at said election held in said beat?—A. Yes, sir.

Q. In what way and by whom?—A. We were prevented from voting at said election by two of the managers of said election; I mean when I say managers that they were officers in charge of said election, namely, Ben Nash, and Ollie Nash; Ben Nash was a manager and Ollie Nash was a clerk of said election.

Q. How were you and the other members of your family prevented from voting at said election?—A. My vote was challenged by the said Ben Nash, and I told him that I would sign the challenge oath, and that I had been across the line in Marshall County, about nine months; and he said he would not take the challenge that way, that I would have to sign that I had been in this county for 12 months and in the beat 30 days; and I told him that I would not sign a lie bill, but I claimed Burgett beat as my voting place; that I had never changed my citizenship from Burgett's beat, and had never voted anywhere else than in Burgett's beat No. 32; he said that I could not vote unless I signed the oath that I had been in the county 12 months and in the beat 30 days.

Q. Did you live in Burgett's beat before you moved to Marshall County—nine months before that time?—A. Yes, sir.

Q. How long had you lived in Burgett's beat, Blount County, Ala.—A. Two years.

Q. Did you move into Marshall County permanently or temporarily?—A. Temporarily.

Q. After you moved to Marshall County did you continue to vote in Burgett's beat in Blount County, Ala.?—A. Yes, sir.

Q. How were your wife and mother prevented from voting?—A. There were two doors to go in to vote—one for the men and one for the women—and my mother and I got in at the same time; she wanted me to help her with her ticket, and Malone, one of the managers, gave her a ballot and voted and gave the ballot to the said Malone, and he started to put it in the box and Ben Nash took it out of his hand and laid it on the table, and my wife came in after she went out and Malone gave her a ballot and she voted and gave it to him, and Ben Nash took that ballot and laid it on the table; I thought that Malone was going to put them in the box; at this time they challenged me but did not challenge my wife and mother.

Q. Do you know whether or not your wife's and mother's votes were put in the box and counted?—A. They were not.

By the COMMISSIONER:

Q. Did you offer to sign the challenge oath as required by law when your vote was challenged?—A. Yes, sir.

Q. Did the managers of said election refuse to allow you to do so?—A. Yes, sir.

Q. Were your wife and mother qualified voters at that box in said election?—A. They lived with me all of the time, and in my judgment were legally entitled to vote where I voted.

Cross-examined by Mr. KING for the contestee:

Q. Mr. Owens, where do you reside at this time?—A. In Reed Brake precinct, in Marshall County, Ala.

Q. How long have you resided in Marshall County?—A. Just a little over 12 months.

Q. Did you move with your family to Marshall County?—A. Yes, sir.

Q. Have you ever removed back to Blount County with your family?—A. No, sir.

Q. Were you living in Marshall County on November 2, 1920?—A. Yes, sir.

Q. Did you vote in the general election in November, 1920?—A. No, sir.

Q. Did any of the members of your family vote in the general election in November, 1920?—A. They tried to.

Q. At what precinct and in what county?—A. Burgett's beat, in Blount County, Ala.

Q. Give the names of the members of your family who voted in the general election in 1920.—A. Mrs. P. C. Owens, my mother; Lizzie Owens, my wife; and Alice Owens, my sister, tried to vote.

Q. You do not know whether they voted or not, do you?—A. They voted and give their ballots to Mr. Malone—that is, my mother and wife—and in my judgment the ballots were never put in the box.

Q. Do you know whether or not your sister Alice voted or not?—A. She did not vote.

Q. Did she present herself to vote?—A. She did.

Q. When and where did Mrs. P. C. Owens register?—A. It was right in the last days of the registration at Oneonta, in Blount County, Ala.

Q. Is it not a fact that she presented herself to the registrars of Marshall County just prior to registration in this county for registration?—A. Yes, sir.

Q. When and where did your wife, Lizzie Owens, register?—A. Here at Oneonta, Blount County, Ala., about the last days of the registration.

Q. Is it not a fact that she presented herself to the registrars for registration in Marshall County just prior to her registration here?—A. Yes, sir.

Q. Where and when did your sister, Alice Owens, register?—A. At Oneonta, Ala., the same time that my mother did.

Q. Is it not a fact that Alice Owens presented herself for registration to the registrars of Marshall County just prior to her registration here?—A. She did.

Q. Is it not a fact that you presented yourself for registration to the registrars of Marshall County at the same time that your mother, wife, and sister did?—A. I did not.

Q. Did you not ask the registrars of Marshall County if you could register in Marshall County at that time?—A. I did not.

Q. Is it not a fact that you lived at Boaz, in Marshall County, for some one or two years shortly before you moved to Reed Brake precinct, in Marshall County?—A. It was three years prior to that time.

Q. How long did you live at Boaz?—A. About two years.

Q. Give the date that you moved away from Boaz and came back to Blount County.—A. It was in the fall of 1917.

Q. At the time you lived at Boaz, is it not a fact that you did not own any property in Blount County, Ala.?—A. I had some farming tools at my mother's, in Blount County, Ala., at that time.

Q. Since you have last lived in Marshall County, is it not a fact that you have not owned any property in Blount County, Ala.?—A. I have not.

Q. State whether or not you voted in any election held in Boaz at the time that you lived there?—A. I did not.

Q. In what county is Boaz, Ala.?—A. In Marshall County, Ala.

Q. At the time that you presented yourself to vote at the last November election, in Burgetts's beat, is it not a fact that your vote was challenged and that you were presented with a challenge oath and that you failed to sign the oath as presented to you?—A. No.

Q. Did you sign the oath as presented to you and swear to the same before one of the inspectors at that time?—A. No, sir.

Q. Is it not a fact that Mrs. P. C. Owens's vote was also challenged at that time?—A. No, sir.

Q. Is it not a fact that your wife, Mrs. Lizzie Owens, was challenged at that time?—A. No, sir.

Q. You stated on your direct examination that your family, or a part of them, were prevented from voting; now, state how Mrs. P. C. Owens, Lizzie Owens, and Alice Owens, each, was prevented from voting?—A. My mother was prevented from voting by her ballot not being put in the box by the managers of said election, and my wife was prevented in the same way; Alice, she came in and they never did give her a ballot.

Q. Of your own knowledge, you do not know whether Alice Owens tried to vote or not?—A. Yes, sir.

Q. What did Alice Owens say when she tried to vote?—A. She said she had registered and felt that she had a right to vote.

Q. Is that all that she said?—A. That is all that I remember.

Q. To whom was she speaking?—A. Ben Nash, one of the managers.

Q. What did Ben Nash say to her in reply?—A. He said that her place to vote would be in Marshall County.

Q. Is that all that he said?—A. That is all that I remember.

Q. When you stated that she was prevented from voting, is what you just said that Ben Nash said all that you base your answer on?—A. No, sir; it seemed that he was determined that none of us should not vote.

Q. Is it not a fact that Ben Nash told Mrs. P. C. Owens and Lizzie Owens that they would have to sign a challenged oath before their tickets could be put in the box, or words to that effect?—A. He did not.

Q. When you say that Ben Nash prevented Mr. Malone from putting the ballot of P. C. Owens and Lizzie Owens in the ballot box, what did Ben Nash say at that time?—A. He said something about me voting.

Q. What did he say about you voting?—A. He said I could not vote unless I would sign an oath that I had been in the county 12 months and in the beat for 30 days.

Q. Is that the time then that he presented you with a challenge oath?—A. I think it was.

Q. Is it not a fact at that time that the said Ben Nash also presented to you a challenge oath for each—Mrs. P. C. Owens and Lizzie Owens?—A. I do not remember.

Q. You will not now testify that he did not present you with the two said challenge oaths about that time, will you?—A. He did not.

Q. Are you positive?—A. I am quite sure he did.

Q. There was something said by some of the election officers at that time about P. C. Owens and Lizzie Owens would have to sign the challenge oath, was there not?—A. There was not.

Q. Is it not a fact that you do not know of your own personal knowledge whether the ballots of P. S. Owens and Lizzie Owens were placed in the ballot box and counted or not, do you?—A. Not of my own personal knowledge.

Q. When you stated that you offered to sign the challenge oath as required by law, what did you mean?—A. I meant that I was a qualified voter in said beat.

Q. What kind of oath did you offer to sign?—A. I offered to sign the oath that they had there stating that I had been in Marshall County about nine months.

Q. Did you register in Blount County, Ala., as a voter after you returned from Boaz?—A. Yes, sir; I have my certificate here.

Q. When did you register that time?—A. December 19, 1919.

Q. When did you move back from Boaz with reference to the date of your registration certificate?—A. In the fall of 1917.

Q. Mr. B. Q. Malone is a Republican, is he not?—A. Yes, sir.

Q. Who were the clerks of the election at that time?—A. Ollie Nash and J. A. Pruett.

Q. Is J. A. Pruett a Democrat or a Republican?—A. A Republican.

Q. About what time of day did you go to the polls to vote?—A. About 10 or 11, in the forenoon.

Q. Where did Jesse E. Holland live on November 2, 1920?—A. At Altoona, I do not know in which county.

Q. Is Mr. James Kay, the commissioner that is taking this testimony, a Democrat or a Republican?—A. A Republican.

The following questions were asked by the commissioner, to wit:

Q. During the nine months in which you stated that you resided temporarily in Marshall County, Ala., and immediately preceding the election held on the 2d day of November of 1920, did you at any time during that time vote or act in any official capacity at any election held in the said Burgetts beat in Blount County, Ala.; if so, state when and what?

(Objection by the contestee.)

A. I was one of the managers in the May primary of 1920, and I also voted in said beat at that time.

Q. Was this fact known to the said Ben Nash at the time you say he prevented you and the other members of your family from voting at said election?

(Objection by contestee.)

A. It was.

R. W. OWEN.

Subscribed and sworn to before me this 7th day of February, 1921.

JAMES KAY, *Commissioner*.

J. B. STEPHENS, a witness for the contestant, is duly sworn and testifies as follows, the following questions being asked by the commissioner:

Q. What is your name, and where do you reside?—A. My name is J. B. Stephens, and I reside in Hoods beat, in Blount County, Ala.

Q. Were you a qualified elector at the election held in said beat on November 2, 1920?—A. Yes, sir.

Q. State, if any, that there was any irregularities by the election officials at the election held at said beat at said election.

(Objection by the contestee.)

A. Our returning officer, T. A. Jones, got a little off.

Q. What did he do and say at said election?—A. I was asked to assist an elector to fix his ballot, and I started out of the door of the room. J. H. Livingston says John Herring wants to vote. I said that he had not been in the beat long enough; he said he said he had, and I asked Mr. Burr Foster, the man he boarded with, if he had been there in the beat for three months; and he said, "I can't say." Then I said to John Herring: "Have you been here three months?" and he says, "That I can not say." I said "That this is the 2d day of November, 1920, and count back three months, would be about the 1st of August, 1920." and John Herring said, "I was not here at the time." And, then, Mr. Jones, the returning officer said, "He has got as damned good a right to vote as some of the rest of them." I said, "That may be so, but he can't vote here, because he has not been in the beat long enough." Then, Mr. Jones, the returning officer, said, "There is too damn much meddling here," and turned and walked into the door of the building where they were holding the election, and said, "the board inside will take care of this business without the outsiders having anything to do with it." This all took place while the election was in progress.

(Objected to by contestee.)

Cross-examined by Mr. NASH for the contestee:

Q. Did John Herring vote at the said election?—A. I do not know; he did not at that time.

Q. Were you an official at that election?—A. No; I was not.

Q. Was you in any way connected with the holding of said election?—A. No, sir; I was no officer.

Q. To your own knowledge were there any further irregularities in connection with the holding of said election in that precinct at that time?—A. Not of my own knowledge.

Q. You got a little bit off, as well as the returning officer, did you not?—A. No, sir; I did not.

Q. You prepared a ticket for one, Mr. Mitchell, to vote at the said election at that time, did you not?—A. I did.

Q. Which Mitchell was it?—A. L. H. Mitchell—we have two of them.

Q. Did he vote a Republican or a Democratic ticket?—A. My recollection is that he voted a Republican ticket.

Q. In your judgment was this Mr. Mitchell a qualified voter?—A. I think that he was.

Q. Is it not a fact that he had not paid his poll tax?—A. He had paid his poll tax so far as I know.

Q. Are you a Democrat or a Republican?—A. I am a Republican; but I believe in the principles of democracy.

J. B. STEPHENS.

Subscribed and sworn to before me this 7th day of February, 1921.

JAMES KAY, *Commissioner*.

J. W. HUGHES, a witness for the contestant, is duly sworn and testifies as follows, to wit:

Q. Is your name J. W. Hughes, and are you a qualified voter in Oneonta beat No. 36, Blount County, Ala.?—A. Yes, sir.

Q. Were you an election manager at said precinct at the last November election?—A. I was.

Q. Give the names of the other managers of said election at that time for said precinct and their politics.—A. J. C. Nations, Democrat, a manager; W. M. Hagood, a manager, a Democrat.

Q. Give the names of the clerks at said election and their politics; also the name of the returning officer and his politics.—A. Clark McPherson, a Democrat; L. H. Brown, a clerk, and a Republican; John Moore, the returning officer, a Democrat.

Q. State how many people were within the polls at one time at any time or times during the day of said election.—A. Approximately there was about 20 or 25 people within the polls at different times during the day; I did not count them and do not know the exact number.

Q. Do you remember calling the attention to the other managers of said election to that fact, and what they said about it?—A. I do; and they said there was too many crowded in there.

Q. Do you know how many people voted at that box on that day?—A. About 600 is my best recollection.

Q. To refresh your recollection, was it not 600 or more?—A. Yes; it was 600 or more.

Q. Did you have a conversation with Dr. N. C. Denton within the polls on that day, and if so what was said?—A. It was in a kind of a burlesque way; I do not remember what I said to him, but Dr. Denton said to me, "We struck one Republican that we could do anything with."

Q. Did he state when it was?—A. No.

Q. Did you see him talking with a Republican within the polls that day?—A. Yes, sir.

Q. What part did Dr. Denton take in the election on that day?—A. He had a very active part.

Q. In what way did he take an active part in said election?—A. In marking and fixing the electors' tickets.

Q. Did he talk to the voters during the day?

(Objection by contestee.)

A. He did.

Q. You did not hear what Dr. Denton said, did you?—A. No, sir.

Q. About how long did he talk with any one voter within the polls during the day?

(Objection by contestee.)

A. A right little bit, especially to one lady by the name of Mrs. Jim Treece.

Q. Did Mrs. Treece have a ticket at that time?—A. Yes, sir; and they were within the polls.

Cross-examined by Mr. NASH for the contestee:

Q. Are you a Republican or a Democrat?—A. A Republican.

Q. You were very active at the polls of the election in which you have been testifying about, were you not?—A. I was.

Q. Is it not a fact that you were very active in getting as many of the voters to vote the Republican ticket as you could?—A. I was anxious, but not active; I had all the work that I could do.

Q. How many people did you solicit on that day of the election to vote the Republican ticket?—A. Not any.

Q. How many people did you solicit on that day to be sure and vote?

(Objection by the contestant.)

A. I do not remember as to whether I did anyone or not.

Q. The election was being held within the bar of the courtroom here, was it not?—A. Yes, sir.

Q. State approximately the size of the space within said bar.—A. I suppose there was about 300 square feet in it.

Q. Is it not a fact that the space is from 40 to 50 feet long and from 12 to 15 feet wide?—A. Yes; approximately that.

Q. To which one of the managers did you call his attention to the crowd within the polls?—A. My judgment now is that it was J. C. Nations.

Q. Did you say anything to any person about getting on the outside of the polls?—A. I do not remember that I did.

Q. At what time of day were there most people within the polls?—A. In the forenoon.

Q. Is it not a fact that the Republican voters crowded within the polls as much as the Democrats?—A. I suppose so.

Q. Is it not a fact that the majority of the Republicans that voted at said election on that day voted in the forenoon?—A. I do not know.

Q. Is it not your judgment that they did?—A. No; that is not my judgment.

Q. Is it your judgment that a majority of them voted in the afternoon?—A. No, sir.

Q. Is D. E. Moody a Republican, and was he active around the polls on that day?—A. He is a Republican: he was a part of the time.

Q. Give the names of all of the Republicans that were active around the polls on that day, except the officials of the election.—A. D. E. Moody, W. G. Engle, F. E. Dailey, J. E. Green, Mrs. J. E. Green, Mrs. Amos Gibbs, and I do not recall now any others.

Q. Were not Mrs. R. W. Buckner, Amos Gibbs, J. T. Johnson, Mrs. J. T. Johnson, and Mr. J. B. Sloan?—A. My recollection is that they were all there some time during the day.

Q. Is it not a fact that all of the aforementioned persons were there during a part of said day meeting and talking with the voters as they came to vote?—A. Yes; with a part of them; they did not talk with all of the voters.

Q. Do you know Mrs. Owens, the mother of John Owens, and do you remember when she appeared to vote on that day?—A. Yes.

Q. Who marked her ticket?—A. I do not know.

Q. Who deposited her ticket with the managers after it had been voted?—A. I do not know.

Q. I will ask you if when Mrs. Owens started to leave the polls she said I want to vote, and one of the ladies that you named said that you have already voted, and she said if I have I did not know it, and that I wanted to vote a Republican ticket, and at that time L. H. Brown said I think you have voted your sentiments?—A. I remember hearing the last part of that, but the other part I do not; Mrs. Owens said that she wanted to vote a Republican ticket, and I think it was Mr. L. H. Brown said I think you have voted your sentiments.

Q. Is this Mrs. Owens a Republican or a Democrat?—A. She says that she is a Republican.

Q. When did you first hear that the ballots were likely to be short at different polling places at the said election?

(Objection by contestant.)

A. I heard something about it, but I do not remember when it was.

Q. Did you hear about it before it was discovered on Sunday just prior to the election that the ballots were short in Campbell's box?—A. No, sir.

Q. Who first told you that the ballots would probably be short, if anyone?—A. I can not tell you that anyone told me that they would be short.

Q. Did you have any information or hear anything about the ballots were to be taken from the boxes in the sheriff's office before they were sent out to the different precincts.

(Objection by contestant.)

A. No.

Q. Is it not a fact that W. G. Engle, who is a Republican, carried ballots and went with parties back in the witness room to prepare the ballots in the morning of the said election in the Oneonta precinct?—A. I do not know whether he did or not.

Q. Is it not a fact that he did, and that J. C. Nations, one of the managers, called on the returning officer to stop it?

(Objection by contestant.)

A. I do not remember whether he did or not.

Q. Mr. John Moore, who was the returning officer of said box, is also the deputy sheriff of Blount County, is he not?—A. I think so.

Q. State whether or not you as one of the managers of said election called John Moore's attention to any unlawful act or action at said polls on said day.

(Objection by contestant.)

A. Yes; I called his attention to the fact that there was too many people within the polling place at one time.

Q. When did you call his attention as you now mention?—A. It was in the morning.

Q. How many times?—A. I do not remember.

Q. What was the reply of Mr. Moore?—A. He made no reply.

Q. What did Mr. Moore do at that time?—A. He called the attention of the electors and told them that there was too many of them in there.

Q. Was this the only time that you suggested to Mr. Moore of an unlawful act or acts?—A. I do not think so.

Q. When and what other act or acts did you call his attention to?—A. There was one other. Mr. Blackwood, who was a candidate for tax collector, was within the polls, and I was told that he was making out tickets, and I said that he had no right in there, and they said that he and his wife were in there and he was making out her ticket; they said it was Will Clowdus whose ticket he was fixing; Will said that he was not fixing his ticket, he had just had his ticket in his hand looking at it.

Q. Is it not a fact that the said Mr. Blackwood was not filling out tickets, other than he and his wife were in there voting?—A. I suppose so.

Q. Is it not a fact that you were a candidate for the office of justice of the peace for Oneonta precinct and also a manager at said election?—A. No, sir; I was not a candidate for any office.

Q. Is it not a fact that your name appeared on the Republican ticket at said election for said office?—A. No, sir; it did not.

Q. Is it not a fact that you received about 120 votes for justice of the peace in Oneonta at said election?—A. I did.

Q. Is it not a fact that all of the legal voters that appeared and offered to cast their ballots as they wished and that said election was fairly conducted?—A. I can't answer it.

Redirect examination by Mr. SLOAN for the contestant:

Q. You stated in your cross-examination that you were active at the polls during that election; did you mean by that that you were active as a manager?—A. I meant that I was active in the work as a manager at said election.

Q. What was your particular work as a manager at said election?—A. In the beginning of the election I put my initials on the three different ballots and helped hand them out to the electors.

Q. Did you mean to state in your direct examination that there were 20 or 25 people within the polls at one time at different times during the day of November election?—A. Yes, sir.

Q. Were there more than four or five at any one time within the polls during that day after you had called Mr. Moores attention to it?—A. I think there were.

Recross-examination by Mr. NASH for the contestee.

Q. You were not sure that they were or not?—A. I am pretty sure.

Q. Can you name one time that there were more than four or five within the polls?—A. No; I can not name any one particular time.

Q. Were they mostly Republicans or Democrats?—A. They were mixed—some of both.

J. W. HUGHES.

Subscribed and sworn to before me this 7th day of February, 1921.

JAMES KAY, *Commissioner*.

F. A. HEARN, a witness for the contestant, is duly sworn and testifies as follows, to wit:

Q. Do you reside in Oneonta, precinct No. 36, Blount County, Ala.?—A. I do.

Q. Did you have possession of the official ballots of the Oneonta box before the polls opened at the last November election?—A. I did not.

Q. Did you write you name on the official ballots of the Oneonta precinct or any part of them as a candidate of justice of the peace in said precinct.

(Objection by contestee.)

A. I did—on some ballots. I could not say whether they were used there or not, but I think they were.

Q. Were you nominated by any primary in this county convention mass meeting or by petition for justice of the peace for Oneonta precinct No. 36.

(Objection by contestee.).

A. By petition.

Q. Have you a copy of that petition or can you obtain it?

(Objection by contestee.)

A. I have not.

Q. Whose names appeared on that petition?

(Objection by contestee.)

A. This was an oral petition and not in writing.

Q. Who were the names on the oral petition or who petitioned you?

(Objection by contestee.)

A. Practically every Democrat in Oneonta precinct.

Q. How many asked you to make this race?

(Objection by contestee.)

A. Fifty or sixty, or maybe seventy-five.

Q. In what column on the ticket did you write your name?

(Objection by contestee.)

A. On the Democratic column.

Q. Did you write A. J. Ketchum's name on the same ticket for justice of the peace?

(Objection by contestee.)

A. I did.

Q. Did you write George Ellis's name on the same ticket for constable for this precinct?

(Objection by contestee.)

A. I did.

Q. Was the writing of these names on the ticket before the polls opened or afterwards?

(Objection by contestee.)

A. Some 200 before the polls were opened and the balance written afterwards.

Q. Did every voter that used the ballots on which you wrote your name as a candidate, A. J. Ketchum's name as a candidate, and George Ellis's name as a candidate request you to put all of those names on the ballot?

(Objection by contestee.)

A. They did not.

Q. Did you fix an absentee vote during the day of the election?—A. I did not.

Q. I will ask you who fixed Mrs. Copland's vote residing at Love Hotel in Oneonta, or over the hill at the George Robinett's place?—A. I do not know. I may be mistaken in this. I did fix some kind of a paper for Mrs. Copland at Mr. Copeland's request, and I am not positive on what day it was.

Q. Are you a Republican or a Democrat?—A. I am a Democrat.

F. A. HEARN.

Subscribed and sworn to before me this 7th day of February, 1921.

JAMES KAY, *Commissioner*.

ONEONTA, ALA., *February 8, 1921.*

W. A. TEAGUE, a witness for the contestant, is duly sworn and testifies as follows, to wit:

Q. Mr. Teague, are you a qualified elector and reside in Summit beat, Blount County, Ala.?—A. I have voted in that beat for the last 42 years and have resided in said beat for 42 years.

Q. Did you vote at the Summit beat at the last November election in 1920?—A. Yes, sir.

Q. What place in the beat was the election held?—A. In Dr. Hayden's drug store at the town of Summit.

Q. How far was the managers located from the front door?—A. It was some 15 feet from the front door, more or less.

Q. About how many feet was it?—A. It was all of 15 feet.

Q. When you presented yourself to vote at the Summit box at the last November election who handed you a ticket?—A. Mr. L. Suttles. He had a ticket and he asked me if I intended to vote. I told him that I did, that is what I came for, and he had his pencil in his hand and I reached for the pencil and he let me have it to mark my ticket, and I could swear who it was, but he handed it to another fellow, and I turned around and walked out.

Q. Did Mr. Suttles take the ticket out of your hand?—A. Yes, sir.

Q. How far was Mr. Suttles from the table where the managers was sitting?—A. About 10 feet.

Q. Did you see any others vote there?—A. No, sir.

Q. How long did you stay at the polls?—I just stayed there long enough to vote.

Q. Could you give the names of the men in the polling place when you voted?—A. I could not.

Q. Can you give the names of any of them?—A. Yes, sir.

Q. Give the names of those that you can remember.—A. G. W. Yates, A. M. Hinds. That is all that I can now remember at this time.

Q. Were these parties that you name managers or officials in charge of said election?—A. I could not tell that.

Q. Did Mr. Suttles have a number of papers in his hands at the time he gave you your vote?—A. He had two or three papers in his hands; I could not tell the exact number. I could not say that they were all tickets.

Cross-examined by Mr. NASH for the contestee:

Q. You voted at the regular polling place in that precinct, did you not?—

A. Yes, sir.

Q. Was the place where you voted the usual voting place in that precinct?—

A. It was at Summit, but was not in the same room that it had been held before.

Q. How far was this room from the room where they had voted heretofore?—A. Just a partition wall between them.

Q. Was it in the same building?—A. Yes, sir.

Q. You did not notice any fraud in the election held there at that time, did you?—A. No, sir.

Q. You voted your sentiments, did you not?—A. Yes, sir.

Q. Did you vote for Mr. Kennamer or Mr. Rainey at said election?—A. I voted right square under the elephant.

Q. Then you voted a straight Republican ticket, did you not?—A. Yes, sir.

W. A. TEAGUE.

Subscribed and sworn to before me this 8th day of February, 1921.

JAMES KAY, *Commissioner*.

J. M. PETRIE, a witness for the contestant, having conscientious scruples against being sworn, is duly affirmed according to law, and testified as follows:

Q. Where do you now live?—A. At Rosa, Ala.

Q. Where did you live at the last November election?—A. At Blountsville, Ala., in beat No. 17, or what is known as royal beat, in Blount County, Ala.

Q. Were you one of the managers in royal beat, said county, at said election?—A. Yes, sir.

Q. Do you remember the names of the other managers at said election?—A. Yes; George Bynum, and Jim McConnell, I think, was the other.

Q. Were they Democrats or Republicans?—A. They were Democrats.

Q. Was one of the clerks and the returning officer Democrats?—A. Yes, sir.

Q. Were the managers of said election at said precinct sworn in at any time during said election?—A. No, sir.

Q. How many people were within the polls at any time during that day at said election?—A. I do not know exactly; but from 8 to 10, besides the managers of said election.

Q. Was that number within the polls at one time and at several different times during the day of said election?—A. Yes, sir.

Q. Did anyone stay within the polls for a considerable length of time during the day of said election, other than the officials of the election?—A. Yes, sir.

Q. Who was it?—A. Rosa Bryant.

Q. What was Rosa's condition, as to being drunk or sober?

(Objection by contestee.)

A. He was in and out all of the afterpart of the day, and he was drinking heavily, and about one hour before the polls closed he came in and was too drunk to get out, and he then stayed within the polling place until we had got through counting out.

Q. Was the returning officer there at that time?—A. Yes, sir.

Q. Did the returning officer ever ask him to get outside of the election polls?—A. No, sir.

Q. You were right there present at all times during that day, were you not?—A. Yes, sir.

Q. How did Rosa conduct himself while within the polling place?

(Objection by contestee.)

A. He conducted himself about as any other drunken man would, except at the wind up he fell asleep and in his drowsiness he put his feet on the bench that one of the clerks were writing on and the clerk asked the returning officer to take him away, and the returning officer aroused Rosa up, and Rosa said some ugly words and then laid back down again and put his head on the desk and went to sleep.

Q. What politics is Rosa Bryant, a Republican or a Democrat?—A. He is a Democrat.

Q. What is your politics?—A. A Republican.

Cross-examined by Mr. NASH, for the contestee:

Q. Where was the election held in precinct No. 17, in said election?—A. In the public-school house, at Royal.

Q. When you speak of the polls at that place you mean the room in which the election was held, do you not?—A. Yes, sir.

Q. In your judgment, what was the size of the said room?—A. About 22 feet by 36 feet.

Q. What portion of said room did the election officials occupy?—A. In the southwest side, about middle way in the room lengthwise.

Q. Did the said election officials have any portion of said room cut off for the polling place?—A. No, sir.

Q. When you testified that there was from 8 to 10 persons within the polls at one time on several different occasions during said day, did you mean that there were from 8 to 10 in the room where the election was being held?—A. Yes, sir.

Q. Is it not a fact that there were as many of said people Republicans as were Democrats?—A. I could not say.

Q. In your judgment, were not the Republicans as eager and did crowd into the room as much as the Democrats?—A. I could not tell any difference.

Q. Who were the Republican clerk and manager at said election?—A. I acted as the clerk and Frank Weaver acted as the manager.

Q. Were you present when the said polls were opened at said place at said election?—A. Yes, sir.

Q. What was first done and said by the election officials when the said polls were opened?

(Objection by the contestant.)

A. There was an announcement that the polls were opened and we went to voting.

Q. Is it not a fact that after you had finished counting the ballots that each clerk and manager signed the returns and made or signed the affidavit of the returns of said election?—A. Yes, sir.

Q. Give the names of any other person outside of the said election officials who stayed within the polls for a considerable length of time during the day of said election besides Rosa Bryant.—A. I do not think I could do that.

Q. So far as you know, there was no other, was there?—A. Yes, they were in there; they were in and out. The rumor had got out that the ballots would be short, and there was a general rush in the morning.

Q. Is it not a fact that in your answer to the question asked above by Mr. Sloan, what Rosa's condition as to being drunk or sober that you answered he was in and out all of the after part of the day and he was drinking heavily, but he did not do any violence; he was just jolly and kind of noisy, and the commissioner failed to write down a part of said answer, namely, he did not do any violence, he was just jolly and kind of noisy, and the contestee requested that said part be inserted and the commissioner refused to do so.

(Objection by the contestant.)

A. I do not remember, but I said that Rosa did not do any violence, he was just jolly and noisy, except that he put his foot on the bench and disturbed Mr. Bynum, and Bynum asked the returning officer to take him away, he woke him up, and he said some ugly words, and laid over on the desk and went to sleep.

Q. As a part of said answer, did you not say, referring to Rosa Bryant, he did not do any violence; he was just jolly and kind of noisy?—A. Yes, sir.

Q. Is it not a fact, that I requested the commissioner to write that part of your answer down?—A. He wrote it down.

Q. Mr. Petrie, did you understand that last question that I asked you?—A. Yes, sir.

Q. The question was, Did I not ask the commissioner to insert in your answer to said question that you said, referring to Rosa Bryant, that he did not do any violence; he was just jolly and kind of noisy?—A. I could not answer that.

Q. Did I not request the commissioner to write down a part of your said answer and he refused?—A. I could not answer that.

Q. When did you first hear that the tickets or ballots were likely to be short at the said election?—A. About 5 o'clock on the evening before, the said election.

Q. Who told you about it?—A. Frank Weaver.

Q. What did he tell you?—A. He said that we had better vote early for fear that the ballots would be exhausted before the election was over.

Q. Did he say anything further with reference to said ballots?—A. No, sir.

Q. State whether or not Mr. Weaver at that time was notifying the Republicans of said precinct to vote early.—A. No; not that I know of.

Q. Is it not a fact that the Republicans in the precinct, as a rule, voted early on the morning of said election?—A. Yes; nearly everybody did.

Q. Is Mr. Weaver a Republican or a Democrat?—A. He voted the Republican ticket this time for the first time.

Q. Did not everybody, so far as you know, vote in said precinct and was privileged to vote their own sentiments?—A. Yes, sir.

Q. Was there any fraud or corruption at said polls at said election?—A. No fraud committed.

J. M. PETRIE.

Subscribed and affirmed before me this 8th day of February, 1921.

JAMES KAY, *Commissioner*.

J. B. SLOAN, a witness for the contestant, is duly sworn and testifies as follows, to wit:

Q. In what business are you engaged, Mr. Sloan?—A. I am a lawyer.

Q. In what place are you practicing law?—A. In Oneonta, Blount County, Ala.

Q. Were you practicing at that place during all of the year of 1920?—A. Yes, sir.

Q. Do you remember when Gov. Kilby, of the State of Alabama, called the special session of the Legislature of Alabama to meet for the purpose of passing the franchise of women law?—A. He called it to meet on Tuesday, September 14, 1920.

Q. Have you a copy of the law that was enacted by that legislature at the said extra session for the registration of the women voters of the State of Alabama?—A. I have.

(Contestant offers in evidence a copy of said act in evidence, and marks the same "Exhibit No. 4," and attaches the same hereto and makes the same a part of this record.)

Cross-examined by Mr. NASH for the contestee:

Q. Did you vote for Mr. Kennamer or Mr. Rainey in the election of November 2, 1920?—A. I voted for Mr. Kennamer.

Q. Are you an active, vigilant, and partisan Republican, and were you prior to said election?—A. I am an active and vigilant Republican, but not a partisan Republican, and was before the last election.

Q. Were you active in said election?—A. I was doing my best to be elected as judge of the Supreme Court of Alabama.

Q. How long have you been active in politics in Blount County, Ala.?—A. About 20 years.

Q. During that time is it not a fact that the Democrats have been in the majority in said county?—A. Not all of the time.

Q. Have they not the greater part of said time?—A. I could not say, but the Democratic officers have been elected a greater part of the time, according to the official returns.

Q. During said time about how many times have you been a candidate in the general elections in said county for either county or State office?—A. In my judgment, about five or six times.

Q. In what precinct did you vote in the said election on November 2, 1920?—A. In Oneonta precinct No. 36, in said county.

Q. You state that you have been a candidate some five or six times in Blount County for a State or county office during the past 20 years; how many of said times were you elected, when, and to what office?—A. I was elected to the constitutional convention in 1901 from Blount County, and to the State senate in 1911 from the counties of Blount, Cullman, and Winston.

Q. In said elections did you ever get a majority of the votes in Blount County, except to the constitutional convention in 1901?—A. No.

Q. Just prior to said election of November 2, 1920, or at the general election of 1918, did the Republican Party or the Democratic Party carry a majority of the votes cast at said election in Blount County?—A. Just prior to the election, I do not know, but the official returns showed a majority for the Democrats in 1918.

Q. Which party carried a majority of the votes in said county at the general election in 1916?—A. According to the official returns, the Democratic Party carried a majority of the votes in said county.

Q. Is it not a fact that at the November election of 1920 that the Republican Party was represented by one of their party in the managers and the clerks at each of the polling places in the precinct of Blount County, Ala.?—A. It is my information that they were.

Q. State whether or not just prior to said election you knew or had any information that the ballots would be short in some of the precincts in Blount County at said election?—A. I did not know anything about it, but I heard rumors that it had been arranged at the Democratic headquarters at Gadsden to have the official ballots to come up short in the Republican precincts.

Q. Is it not a fact that the said information was given to you by a Republican?—A. It is.

Q. State whether or not that you knew of or had any information the week before the election that the ballots in the boxes in the sheriff's office were to be taken from said boxes in certain boxes which were to be sent to Democratic beats in Blount County.—A. I did not know of any such thing, neither had I any information of it.

Q. Prior to Sunday before the election had you any information that a part of said ballots had been taken from said boxes?—A. No.

Q. Is it not a fact that on Sunday and Monday, just prior to said election you visited a number of the precincts in Blount County and advised the Republicans in those precincts, or a part of them, to vote early because the ballots would probably be short?—A. I advised some few Republicans in different precincts, possibly five or six precincts, of the rumor that I had heard and for them to advise the Republicans, as many as they could see, to get out and vote early, and if the ballots gave out to have the ballots written and vote anyhow.

Q. On Saturday, just prior to said election, were you not at Locust Fork and advised Monroe Wilder and others as mentioned above?—A. I advised Monroe Wilder that I had heard this rumor, but I have no recollection of having advised any other Republicans of that precinct.

Q. Is it not a fact that a majority of the precincts that you visited and advised as above-mentioned Democratic precincts?—A. No; it is not a fact.

Q. Give the names of the precincts you visited and advised the Republicans therein as above mentioned?—A. I can not remember all that I visited.

Q. Give the names of those that you do remember?—A. My recollection is that I advised some one at Concord, but do not remember who; Locust Fork, at White's beat; Self beat, Calvert's beat; and, I think, Walker's beat, that is all that I remember.

Q. When did you first hear or receive the information that the said tickets would likely be short?—A. I can not say, it was shortly before the election.

Q. Who first informed you that the tickets would likely be short and where?—A. I do not remember.

Q. Is it not a fact that this information was only current among the Republicans?—A. I do not know.

Q. Have you any information before or since said election who it was that entered the sheriff's office in the courthouse in Oneonta and took a part of the ballots from the ballot boxes which were prepared for the different precincts in Blount County?—A. No.

Q. Have you any personal knowledge of any fraud or corruption practiced at said election in Blount County by any person or persons?—A. No.

Q. State whether or not you were in the court room where the election was being held in the Oneonta precinct a number of times on the day of said election.—A. I was not.

Q. How many times were you?—A. My recollection was that I was in there twice. Once to vote and the other time I did not go within the polls, only in the house; I had information that some of the managers had laid down a rule that they would not allow anyone to assist a voter, except the managers, and I went in there with Mr. Johnson to see about that.

Q. Who gave you such information?—A. I do not remember.

Q. Is it not a fact that on such investigation you found that the report was untrue?—A. No. I was informed soon after I got in the house that the rule had been changed, and I and Mr. Johnson went immediately out of the room.

Redirect by Mr. JOHNSON for the contestant:

(At this point in the proceedings Mr. J. T. Johnson, attorney for the contestant, requests that the commissioner and the witness and the attorneys for the contestee go to the probate office of said county for the purpose of ascer-

taining the number of ballots that are still there and not used at the last election, and offers to show the number of ballots that were not used at the November election of 1920. Permission granted by the commissioner.)

Q. Mr. Sloan, did you go down to the probate office of Blount County, Ala., with the commissioner within the last few minutes in response to the above request, and was the probate judge present? Did you find any ballots the same as were used in the last November election, and in your judgment how many were there there?—A. Yes; I went down to the probate office of said county with the commissioner in response to the above request, and the probate judge, E. G. Aldredge, was present, and counted one batch of the different thicknesses of said ballots, and from that I estimate the number is 1,500 or more of said blank ballots now in said probate office.

Q. Have you visited the probate office of said county frequently since the last election?—A. Yes; I have been in there several times.

Q. I will ask you if you have not seen the patrons of said office at different times since the said election using the said blank ballots as scratch paper?

(Objection by the contestee.)

A. Yes.

Recross-examination by Mr. NASH for the contestant:

Q. Do you know of any voter in Blount County, Ala., who were deprived of voting in the election of November 2, 1920, on account of not having an official ballot at his voting place?—A. I do not.

J. B. SLOAN.

Subscribed and sworn to before me this 8th day of February, 1921.

JAMES KAY, *Commissioner*.

CONTESTANT'S EXHIBIT No. 4.

ALABAMA GENERAL LAWS—SPECIAL SESSION, 1920.

[No. 78. H. 11—Shaw.]

AN ACT To regulate elections, to provide for the registration of electors, and the preparation and furnishing of a list of qualified electors to the election inspectors.

Be it enacted by the Legislature of Alabama:

SECTION 1. *Registrars, appointment of.*—Registration shall be conducted in each county by a board of three reputable and suitable persons to be appointed by the governor, State auditor, and commissioner of agriculture and industries, or by a majority of them acting as a board of appointment, and who must be also qualified electors and residents of the county and who shall not hold an elective office during their term. One of said members shall be designated by the board of appointment as chairman of the board of registrars for each county.

SEC. 2. The registrars so appointed under this act may be removed at the will of the appointing board or a majority of the members thereof, at any time, with or without cause, and without giving their reasons therefor; and if not so removed, the registrars may hold office for four years from the time of their appointment and until their successors are appointed.

SEC. 3. *Vacancies of registrars; how filled.*—If one or more of the persons appointed on such board of registration shall refuse, neglect, or be unable to qualify or serve, or if a vacancy or vacancies occur in the membership of the board of registrars from any cause, the governor, State auditor, and commissioner of agriculture and industries, or a majority of them acting as a board of appointment, shall make other appointments to fill such board.

SEC. 4. *Fees, compensation of registrars.*—Each registrar shall receive \$7.50 per day, to be paid by the State and disbursed by the several judges of probate, for each day's attendance upon the sessions of the board.

SEC. 5. *Oath of registrars.*—Before entering upon the performance of the duties of his office, each registrar shall take the same oath as required of the judicial officers of the State, which oath may be administered by any person authorized to administer oaths. The oath shall be in writing and subscribed by the registrar, and filed in the office of the judge of probate of the county. Said registrars are judicial officers and shall act judicially in all matters pertaining to the registration of applicants.

SEC. 6. *Board of registrars to hold fixed meetings and give notice thereof.*—The board of registrars in each county shall visit each precinct at least once,

and oftener if necessary, between January 1 and April 1, 1922, and each two years thereafter, to make a complete registration of all persons entitled to register, and shall remain there at least one-half a day. They shall give at least 20 days' notice of the time when and the place in the precinct where they will attend to register applicants for registration, by bills posted at three or more public places in each election precinct and by advertisement once a week for three successive weeks in a newspaper, if there be one published in the county. Upon failure to give such notice, or to attend any appointment made by them in any precinct, they shall, after like notice, fill new appointments therein, but the time consumed by the board in completing such registration shall not exceed 40 working days in any county, except that in counties having more than 150,000 population, as shown in the last preceding census, the time shall not exceed 75 working days. The board of registration in each county shall meet at the courthouse on the third Monday in January, 1922, and each two years thereafter, and shall remain in session 10 working days for the registration of voters.

SEC. 7. *Special registration.*—In addition to the regular registration herein provided, the courts of county commissioners, boards of revenue, or other courts of like jurisdiction of the several counties may make an order requiring the books of registration to be opened for 10 working days during the month of July, 1921, and each two years thereafter, for the purpose of registering voters.

SEC. 8. *Places of registration.*—No person shall be registered except at the courthouse or in the precinct or ward where he or she resides.

SEC. 9. *Certificate of registration.*—The registrars shall issue to each person registered a certificate of registration.

SEC. 10. *Time and place of meeting of board where there are two courthouses.*—Where there are two courthouses in any county the board of registrars shall divide the time equally between the two courthouses for the purpose of registering voters and shall give notice accordingly.

SEC. 11. *Examination and oath of applicants to register.*—The board of registrars shall have power to examine, under oath or affirmation, all applicants for registration, and to take testimony touching the qualifications of such applicants. Each member of such board is authorized to administer the oath to be taken by the applicants and witnesses, which shall be in the following form and subscribed by the person making it, and preserved by the board, namely: "I solemnly swear (or affirm) that in the matter of the application of ——— for registration as elector I will speak the truth, the whole truth, and nothing but the truth, so help me God."

SEC. 12. *Persons qualified to register.*—The following persons, and no others, who, if their places of residence shall remain unchanged, will have at the date of the next general election the qualifications as to residence prescribed by section 178 of the constitution of 1901, shall be qualified to register as electors, provided they shall not be disqualified under the laws of the State: First, Those who can read and write any article of the Constitution of the United States in the English language and who are physically unable to work; and those who can read and write any article of the Constitution of the United States in the English language, and who have worked or been regularly employed in some lawful employment, business or occupation, trade or calling, for the greater part of 12 months next preceding the time they offer to register; and those who are unable to read and write if such inability is due solely to physical disability; or, second, the owner in good faith in his or her own right, or the husband of a woman or the wife of any man is the owner in good faith in her or his own right of 40 acres of land situated in this State, upon which they reside; or the owner in good faith in his or her own right, or the husband of any woman or the wife of any man who is the owner in good faith in his or her own right of real estate situated in this State assessed for taxation at the value of \$300 or more; or the owner in good faith in his or her own right, or the husband of any woman or the wife of any man who is the owner in good faith in her or his own right of personal property in this State assessed for taxation for \$300 or more, provided that the taxes due upon such real or personal property for the next year preceding the year in which he or she offers to register shall have been paid, unless the assessment shall have been legally contested and is undetermined.

SEC. 13. *Applicants may be refused.*—Any person making application to the board of registrars for registration who fails to establish by evidence to the

reasonable satisfaction of the board of registrars that he or she is qualified to register may be refused registration.

SEC. 14. *Majority of the board a quorum.*—The action of a majority of the board of registrars shall be the action of the board, and a majority of the board shall constitute a quorum for the transaction of all business.

SEC. 15. *Right of appeal from registration.*—Any person to whom registration is denied shall have the right of appeal, without giving security for cost, within 30 days after such denial by filing a petition in the circuit court or court of like jurisdiction held for the county in which he or she seeks to register, to have his or her qualifications as an elector determined. Upon the filing of the petition, the clerk of the court shall give notice thereof to any solicitor authorized to represent the State in said county, who shall appear and defend against the petition on behalf of the State. Upon such trial the court shall charge the jury only as to what constitutes the qualifications that entitle the applicant to become an elector at the time he or she applied for registration, and the jury shall determine the weight and effect of the evidence and return a verdict. From the judgment rendered an appeal will lie to the supreme court in favor of the petitioner, to be taken within 30 days. Final judgment in favor of the petitioner shall entitle him or her to registration as the date of his or her application to the registrars.

SEC. 16. *Not required to register.*—No person heretofore registered and no person hereafter registered shall again be required to register unless he or she changes the county of his or her residence.

SEC. 17. *Registration books, forms, and blanks furnished by secretary of state.*—The secretary of state shall, at the expense of the State, have prepared and furnished to the registrars and judges of probate in the several counties a sufficient number of registration books and blank forms of oath, certificates of registration, and of notices required to be given by registrars. The cost of publication of the notices required to be given by the registrars shall be paid by the State, and bills therefor to be rendered to the secretary of state and approved by him.

SEC. 18. *List of names registered by precincts to be published.*—The judge of probate shall from the registration list heretofore and hereafter returned to his office, including those registered prior to January 1, 1902, and excluding those names stricken therefrom, as shown by the list returned to him under section 35½ below, make correct alphabetical lists of all electors registered by precincts and by districts of precincts where precincts have been divided or subdivided, which list shall be certified by him officially to be a full and correct copy of the list of registered electors for each precinct, and where a precinct has been divided or subdivided, for each district of each precinct, respectively, as the same appears from the returns of the registrar on file in his office. Said judge of probate shall, after the 1st day of February, 1922, and of each year thereafter, compare such official list of registered electors with the poll-tax lists which have been furnished him by the tax collector, and shall ascertain from such comparison the names of such persons on the official list of registered electors who have failed to pay any poll tax for which they are legally due, and by such comparison and other available information said judge of probate shall make correct alphabetical lists of all of the qualified electors registered by precincts and of districts of precincts where precincts have been divided or subdivided and who have paid all poll tax due. Said lists so made up shall be published by him in some newspaper with a general circulation in said county on or before the 15th day of April, 1922, and of each two years thereafter, and together with said lists there shall also be published a certificate that said list constitutes the correct list of all qualified electors who will be entitled to vote in any elections held in said county from the time of such publication until the 1st day of May of the next succeeding year, and also a notice that any voter duly registered whose name has been advertently or through mistake omitted therefrom and who has paid all poll taxes due and who is legally entitled to vote shall have 10 days from said publication to have his or her name entered upon said list of qualified voters. If within such 10 days any voter shall reasonably satisfy said judge of probate by proper proof that any name should be added to such list, his or her name shall be added thereto. An alphabetical list by districts and precincts of those so added within said 10 days shall be prepared and published by said judge of probate in some newspaper with a general circulation in said county on or before the 1st day of May, 1922, and of each two years thereafter. The alphabetical list of voters published by said

judge of probate on or before the 15th day of April together with the names added and published on or before the 1st day of May shall be the official list of qualified voters in said county and for the districts and precincts therein for the next ensuing year, until a new list is published, and no person whose name does not thereon appear shall be allowed to vote nor shall he or she be allowed to vote except in the precinct, or if the precinct has been divided into districts in the district in which his or her name on said list appears unless such person complies with the qualifications prescribed by law for challenged voters.

SEC. 19. *List of voters and electors.*—The judge of probate shall, from the registration list returned to his office, including those registered prior to January 1, 1903, make correct alphabetical lists of the qualified electors registered by precincts, which lists shall be certified by him officially to be a full and correct copy of the lists of registered electors for each precinct, respectively, as the same appears from the returns of the board of registrars on file in his office. One copy of said list for each precinct the judge of probate shall deliver or cause to be delivered to the inspectors in each precinct immediately preceding every election or primary.

SEC. 20. *Registered on change of county or residence.*—Any elector who registered prior to January 1, 1903, who has changed his residence shall be registered on application on production of his certificate, unless he has become disqualified.

SEC. 21. *Duplicate certificate issued in event of loss.*—When the certificate of any elector who has duly registered has been lost, mutilated, or destroyed, on application stating that the certificate has been lost, mutilated, or destroyed, and verified by affidavit, and it appears of record that such application has been registered, the judge of probate of the county of registration or the secretary of state shall issue to the applicant a certificate that he or she was duly registered as an elector. Such certificate shall be issued free of charge to the elector. The secretary of state shall, at the expense of the State, furnish the judge of probate blank certificates for use as provided in this section.

SEC. 22. *Applicant for registration to make oath required.*—Any applicant for registration may be required to state, under oath, to be administered by the registrars or any person authorized by law to administer oaths, where he or she lived during the five years next preceding the time he or she applied to register, and the name or names by which he or she was known during that period, and the name of his or her employer or employers, if any, during such period. Any applicant for registration who refuses to state such facts, or any of them, shall not be entitled to register.

SEC. 23. *Times for purging list of registration.*—The board of registrars shall meet in each county on the second Monday in November, 1921, and every two years thereafter, for purging the registration list, and may continue in session one week. The names of those who have died, become nonresidents of the State, become insane and been so declared by inquisition of lunacy, or who have been convicted of any offense mentioned in section 182 of the constitution since being registered, or otherwise disqualified as electors under the provisions of the constitution, and any names which may have been fraudulently entered on such list, shall be stricken from the registration list.

SEC. 24. *Notice and hearing when names are to be stricken from list.*—When the name of any elector is proposed to be stricken from the registration list, unless he or she is dead or is a nonresident of the State, notice shall be issued to him or her by the board of registrars citing him or her to appear before the board on the second Monday in December following and show cause why his or her name shall not be stricken from the list. Said notice shall be served by the sheriff at least five days before the said second Monday in December. The board of registrars shall, in addition to the above notice, give notice in some newspaper published in the county by one insertion.

SEC. 25. *Time and place of meeting.*—The board of registrars shall meet in each county on the second Monday in December, 1921, and every two years thereafter and may continue in session one week.

SEC. 26. *Proceedings on hearings.*—On said date the board shall proceed to consider the case of each elector whose name it is proposed to strike from the registration list, and determine the same; provided, that any person whose name is stricken from the list may appeal from the decision of the board and a trial by jury may be had, and the board shall forthwith certify the proceedings to the circuit clerk or clerk of a court of like jurisdiction, who shall docket the

case in the circuit court of the county or other court of like jurisdiction. The solicitor shall represent the State in the trial of said cause.

SEC. 27. *Books kept as to names stricken from list.*—The board of registrars shall enter on a book to be furnished by the secretary of state, at the expense of the State, for that purpose, the names, in alphabetical order by precincts, of all electors stricken from the registration list, and after each meeting for purging the registration list shall file the same in the office of the judge of probate. On the filing of said book the judge of probate shall strike all such names from the list in his office and shall not again send them out to the inspectors.

SEC. 28. *Books of registrars.*—The board of registrars shall be furnished by the secretary of state, at the expense of the State, necessary books for the registration of electors, so arranged that the names of the electors registered may be conveniently entered in said book in alphabetical order.

SEC. 29. *Duty of registrars as to names stricken from list.*—The registrars shall ascertain while visiting the several precincts of the county the names of all persons who should be stricken from the registration list by reason of death or otherwise.

SEC. 30. *Reason shown for electors taken from list.*—When the name of any elector is stricken from the registration list the list filed in the office of the judge of probate must show the reason for striking the said elector from the list.

SEC. 31. *Time for registering.*—For the purpose of registering all voters who have become qualified since January 5, 1920: The board of registrars shall, upon the approval of this act, sit for the purpose of registering all persons who are entitled to register and remain in session each day thereafter, except Sunday, up to and including Tuesday, the 26th day of October, 1920. Said board of registrars may sit at such places in the county as it deems most convenient to the public and best suited to accomplishing the registration of those entitled and desiring to register at any time prior to Tuesday, October 19, 1920.

SEC. 32. *Registration at courthouse.*—During each day of the week beginning October 19, 1920, except Sunday, the board of registrars must sit at the county site to register all persons entitled to register. Where there are two courthouses in the county, the board of registrars must divide the time for sitting at the county site between the two courthouses as they deem best. If there are more than two courthouses, the board of registrars shall elect the two courthouses at which they will sit.

SEC. 33. *Notice of registration.*—The board of registrars shall give notice of the time and place the board will attend to receive applications and register electors, and when there is more than one courthouse in the county the board must give notice how the time fixed for sitting at the county site is divided and what time the board will be at each courthouse. The notice required by this act shall be posters posted at the courthouse or courthouses and such other public places in the county as will best serve to advise the public of the time and place of meeting of said board. And the board of registrars shall also publish such notice in a newspaper if the paper will reach the public in due time to advise the public of the time and places of registration. The expenses incurred by giving such notices shall be, with the approval of the judge of probate, paid out of the county treasury on warrant drawn by the judge of probate. Failure to give due notice shall not invalidate any registration.

SEC. 34. *Rules, registrars may make.*—The board of registrars shall have the power and authority to make such rules and regulations as it deems proper for the receipt of applications for registration and the accomplishing in as expedient a manner as possible the registration of those entitled to register; provided, however, no person shall be registered until a majority of the board of registrars has passed favorably upon such person's qualifications.

SEC. 35. *Lists for election inspectors.*—Each judge of probate shall deliver, or cause to be delivered, to the inspectors at each voting place, immediately preceding the general election to be held on Tuesday, November 2, 1920, duplicate list of the qualified voters of such election precinct, or where the precinct has been subdivided into districts, then a duplicate list of the qualified voters of such districts, which list shall be prepared as follows, to wit: Said list shall be in two divisions, the first division to contain, first, an alphabetical list of the white female voters, and, second, an alphabetical list of the colored female voters; the second division to contain, first, an alphabetical list of the white male voters and, second, an alphabetical list of the colored male voters. Such list shall constitute the official list of qualified voters for the general election

to be held Tuesday, November 2, 1920, and no person whose name does not appear on such list shall be allowed to vote without complying with the qualifications prescribed by law for challenged voters; provided, however, that including a voter's name on a list of a different race from that to which he or she belongs shall not necessitate their complying with the qualifications prescribed by law for challenged voters, if the inspectors are satisfied that such inclusion on said list was a mistake, and that such person is in all respects a qualified elector; provided further, however, that nothing herein shall be construed as preventing the challenge of such person as provided by the law. Such lists must be certified to by the judge of probate as correct lists of the electors qualified to vote in precincts or districts in the general election to be held November 2, 1920.

SEC. 35½. *List of names registered by precincts.*—The board of registrars shall each year, within two weeks after the expiration of the time prescribed for registration, make a copy of the list of names registered, stating the residence, color, and sex of the persons registered by precincts—if not in an incorporated city or town, or by ward if an incorporated city or town—which copy, along with the registration list, must be returned to the office of the judge of probate of the county. The judge of probate shall certify an alphabetical list to the secretary of state. The judge of probate shall keep both the original list filed by the registrars and the alphabetical list made therefrom as recorded in the office of the judge of probate of the county, and shall be open to public inspection.

SEC. 36. *Clerical assistants to make inspection list.*—The judge of probate is authorized to employ such assistants and clerical help as may be necessary to complete and properly prepare the lists of qualified electors which the judge of probate is required to furnish the election inspectors. Such assistants shall be paid out of the county treasury by warrant drawn by the judge of probate accompanied by the certificate of the person being paid showing that the amount is due under the provisions of this act, provided, however, that the entire amount spent for such assistants and clerical help shall not exceed a sum equal to the amount obtained by multiplying the number of names on said list by 5 cents. The chairman of the board of registrars in all counties having more than 150,000 population, according to the last or succeeding Federal census, shall assist the judge of probate of said counties in the performance of his duties in all matters pertaining to the registration of voters and election matters when called upon by said judge of probate for such assistance.

SEC. 37. *Salary or compensation of board of registrars.*—The chairman of the board of registrars in counties having more than 150,000 population, according to the last or any succeeding Federal census, shall be furnished an office at the courthouse in such counties by the board of revenue, or board of like jurisdiction, together with such clerical help as may be necessary for the efficient discharge of his duties. He shall receive a salary of \$2,400 per annum. For each actual working day spent by the chairman of the board of registrars for the purpose of registering voters, the State shall pay the amount paid other registrars. The balance of his salary, after deducting the amount so paid by the State, shall be paid out of the funds of the county treasury in the same manner as other county officers are paid.

SEC. 38. Every section of this act and every part of each section are hereby declared to be independent sections, and parts of any section and the holding of any section or part thereof to be void, ineffective, or unconstitutional for any cause shall not affect the other sections or parts thereof.

SEC. 39. *Offices abolished.*—That the office of the registrar and election commissioner in the several counties of this State are hereby abolished.

SEC. 40. That this act shall go into effect immediately upon its passage and approval.

SEC. 41. That all laws or parts of laws, local, general, or special, in conflict with the provisions of this act be, and the same are hereby, repealed.

SEC. 42. That an act "To provide for the registration of electors enacted by the legislature at its session held in 1915" and an act "To amend an act providing for the registration of electors," approved September 29, 1919, be, and the same are hereby, expressly repealed.

Approved October 2, 1920.

ONEONTA, ALA., *February 9, 1921.*

S. W. ROOKER, a witness for the contestant, is duly sworn and testifies as follows, to wit:

By the Commissioner:

Q. Where do you reside?—A. I reside at Village Springs, Ala., on route No. 2, Blount County, Ala. In Self's beat, No. 16.

Q. Were you a qualified voter at the election held on November 2, 1920; and if so, in what beat?—A. Yes, sir; in Thompson's beat, in Blount County, Ala.

Q. Give the names and the political faith of the managers and the clerks that had charge of the said election in said beat.—A. P. B. Loggins, a manager and a mixed politics; A. C. Posey, manager and a Democrat; S. W. Rooker, a manager and a Republican; M. N. Price, a clerk and a Democrat; Clarence Wesson, a clerk and a Democrat; G. B. Wesson, returning officer and a Democrat.

Q. Do you know if any of said election officials were under or over the age of 21 years at the time that they served at said election?—A. Clarence Wesson, one of the clerks at said election, was under the age of 21 years at the time of the said election.

Q. What is his politics?—A. He is a Democrat.

Q. Do you know any votes cast at said election that were challenged and permitted to vote without taking the challenged oath?—A. Yes, sir.

Q. Name them and state the circumstances.—A. Mrs. A. C. Posey, her name was not on the poll list, and she was challenged, and she was permitted to vote without taking the challenge oath.

Q. Do you know of any of the election officials at said election voting parties outside of the polling place?—A. Yes, sir.

Q. State the names of said voters and the circumstances, if you can.—A. Aunt Minerva Huffstutler; Monroe Price, one of the clerks, carried the papers to N. V. Higginbotham's home, and she voted there, and the clerk brought the ballot back to the polling place and turned it over to A. C. Posey and placed the same in the ballot box.

Cross-examination by Mr. NASH for the contestee:

Q. Is it not a fact that S. W. Rooker, A. C. Posey, and W. M. Wesson are the parties that were appointed as managers of said election for said precinct?—A. I think so.

Q. Is it not a fact that J. C. Price and P. B. Loggins were appointed clerks of said election of said precinct?—A. I think that they were appointed, but they did not serve.

Q. Who served as a manager at said election in said precinct instead of W. M. Wesson?—A. P. B. Loggins.

Q. Who appointed or requested the said P. B. Loggins to act as a manager at said election?—A. W. M. Wesson.

Q. Was W. M. Wesson present at said polls when they were opened on the morning of said election?—A. No, sir.

Q. Were you present when W. M. Wesson appointed the said P. B. Loggins to act as a manager at said election?—A. No, sir.

Q. Who swore W. M. Wesson in as a manager of said election?—A. He was not sworn in.

Q. Who swore the said P. B. Loggins in as manager of said election?—A. G. B. Wesson.

Q. Were you sworn in as a manager of said election at the time that the said P. B. Loggins were sworn in?—A. We were all three sworn in together.

Q. Did you at that time agree to P. B. Loggins acting as one of said managers?—A. I did not object.

Q. Who appointed Clarence Wesson and Monroe Price to act as clerks of said election in said precinct?—A. Monroe served in his father's place and Clarence served in P. B. Loggin's place.

Q. Who appointed Clarence Wesson and Monroe Price to act as clerks of said election in precinct?—A. W. M. Wesson, and J. C. Price, N. M. Price's father.

Q. Were you present when J. C. Price and W. M. Wesson appointed Clarence Wesson and Monroe Price to act as said clerks?—A. I was at the appointment of Wesson but was not present at the appointment of Price.

Q. Was either W. M. Wesson or J. C. Price present at the opening of the polls on the morning of said election?—A. No, sir.

Q. Who swore in Clarence Wesson and Monroe Price as clerks of said election?—A. G. B. Wesson.

Q. Were you present at the time that the said clerks were sworn in?—A. Yes, sir.

Q. At that time did you make any objection to the said clerks being sworn in and acting as clerks of said election?—A. Yes, sir.

Q. What did you do and say?—A. I told them that Clarence was underage and that it was illegal.

Q. Is that all that you said?—A. That is all that I said there.

Q. Is that all the protest that was made at that time to the said clerks acting as clerks at said election?—A. I do not think that anyone objected to them but me.

Q. Is the above objection the only protest that was made at that time to said clerks acting?—A. I think that it was.

Q. You and P. B. Loggins were two of said managers and each of you voted for Mr. Kennamer in said election, did you not?—A. I voted a straight Republican ticket myself; I do not know how Mr. Loggins voted.

Q. Is it not a fact that P. B. Loggins was appointed as one of the clerks of said precinct for said election from a list furnished by the Republican Party?—A. Not that I know of.

Q. Of your own knowledge do you know whether Mrs. A. C. Posey was a registered elector of said precinct at the time of said election?—A. No, sir.

Q. You stated that Mrs. A. C. Posey was challenged at said election and was permitted to vote without taking the challenge oath; now state by whom and in what way her vote was challenged?—A. I objected to her voting without her name being on the poll list.

Q. Is it not a fact that you did not present Mrs. A. C. Posey with a challenge oath to be made by her before voting?—A. No, sir.

Q. Did you fill out the challenge oath before you presented it to the said Mrs. A. C. Posey?—A. No, sir.

Q. What did you say to her at the time you presented the challenge oath to her?—A. I did not present it, I did not say anything.

Q. Then it is a fact that you did not present her with a challenge oath, is it not?—A. Yes, sir.

Q. At the time of said election at the time Mrs. A. C. Posey voted is it not a fact that no other objection to her voting other than what you have mentioned?—A. None other.

Q. Who made any further objection to her voting other than what you have mentioned?—A. There was none other.

Q. At the time of said election where did Aunt Minerva Huffstutler live with reference to said polling place?—A. With her sister.

Q. Of your own knowledge, do you know whether Aunt Minerva Huffstutler voted for Mr. Kennamer or Mr. Rainey, at said election?—A. No, sir.

Q. Did you make any objection to Monroe Price carrying said ballot to Mrs. Huffstutler, and the same being placed in the ballot box by Mr. A. C. Posey?—A. I told him that I would not do it.

Q. Is that all the objection that you made?—A. Yes, sir.

Q. So far as you know is it not a fact that all the electors desiring to vote at said election had an opportunity to vote as they desired?—A. Yes, sir.

Q. Do you know of your own knowledge of any fraud or corruption practiced at said election in said precinct?—A. None other but what has been related as I know.

S. W. ROOKER.

Subscribed and sworn to before me this 9th day of February, 1921.

JAMES KAY, *Commissioner*.

STATE OF ALABAMA.

Blount County.

I, James Kay, a notary public in and for said county and State, and duly authorized by C. B. Kennamer, contestant, to take the depositions of witnesses in his behalf, wherein the said C. B. Kennamer, contestant, is contesting the certified election of L. B. Rainey, contestee, to the Sixty-seventh Congress of the United States of America from the seventh congressional district of Alabama, do hereby certify that I have caused to come before me at the times and places mentioned in this certificate, and mentioned in the notices attached to

these depositions, and for the purpose of giving evidence in behalf of C. B. Kennamer, contestant, the following witnesses, to wit:

February 4, 1921, Oneonta, Blount County, Ala., D. E. Moody, Annie Mae Cheatwood, R. S. Dingler, Jesse Phillips, R. E. Head, W. A. Henderson.

February 5, 1921, Oneonta, Blount County, Ala., L. H. Brown, A. N. Tippens, J. M. Wilder.

February 7, 1921, Oneonta, Blount County, Ala., R. W. Owens, J. W. Hughes, J. B. Stephens, F. A. Hearn.

February 8, 1921, Oneonta, Blount County, Ala., W. A. Teague, J. M. Petrie, J. B. Sloan.

February 9, 1921, Oneonta, Blount County, Ala., S. W. Rooker.

And that the aforesaid witnesses were duly sworn to speak the truth as required by law, and all relevant questions propounded to them by the contestant and the contestee were taken down by me verbatim, and the answers thereto as near as may be in the language of the witness were taken down by me in the presence of and read over to the witnesses, who signed the same in my presence as their true evidence on said examination. The foregoing record, from page 1 to page 54, both pages inclusive, contains the depositions of the aforesaid witnesses complete. And I hereby certify that at the examination of each of the aforesaid witnesses counsel for the contestee was present, and cross-examined, or had an opportunity to cross-examine, the said witnesses.

I further certify that I am not of counsel or of kin to C. B. Kennamer, contestant, or L. B. Rainey, contestee, and that I have conducted the examination of the aforesaid witnesses fairly and according to law, to the best of my ability.

Given under my hand and notarial seal this 18th day of February, 1921.

[SEAL.]

JAMES KAY,
Notary Public, Blount County, Ala., and
Commissioner for C. B. Kennamer, Contestant.

My commission as such notary public expires February 1, 1923.

TESTIMONY FOR CONTESTEE.

NOTICES TO TAKE DEPOSITIONS.

To C. B. KENNAMER, Esq.:

Take notice that it is the intention of L. B. Rainey, contestee, to examine the witnesses mentioned in this notice at Gadsden, Etowah County, Ala., on Monday, March 14, 1921, before George D. Motley, jr., commissioner, and from day to day thereafter.

The names and addresses of the witnesses are as follows, to wit: W. T. Chunley and J. P. Chunley, Duck Springs beat, Etowah County, Ala.; W. F. Jeffries, Glencoe, Etowah County, Ala.; Mrs. W. D. Atkins, Altoona, Ala.; Alex Burns, Phillips beat, Etowah County, Ala.; R. D. Standfield, Gadsden, Ala.; J. M. Miller, Gadsden, Ala.; L. L. Herzberg, Gadsden, Ala.; and John Childers, Attalla, Ala.; W. L. Carvin, Gadsden, Ala.; John D. Scarborough, Attalla R. 1, Reece beat, Etowah County, Ala.; W. C. Sitz, Gadsden, Ala.; S. J. Miller, Gadsden, Ala.

ALTO V. LEE,
Attorney for Contestee.

I, Alto V. Lee, attorney for L. B. Rainey, hereby certify that I executed the foregoing notice by leaving a copy of same with Thomas H. Stephens, attorney for Charles B. Kennamer, on this the 11th day of March, 1921.

ALTO V. LEE,
Attorney for Contestee.

To C. B. KENNAMER, Esq.:

Take notice that it is the intention of L. B. Rainey, contestant, to examine the witnesses mentioned in this notice at the courthouse in Etowah County, at Gadsden, Ala., on March the 17th, 1921, at Gadsden, and from day to day thereafter. The names and addresses of the witnesses are as follows:

Mr. R. R. Yates and Miss Ramer Yates, Gum Springs, Etowah County, Ala.; E. P. Spradley, R. L. Turner, Boaz, Ala., R. F. D. No. 7; A. J. Morton, and W. G. Morton, Boaz, R. F. D. No. 6; W. T. Murphree, Gadsden, Ala.

ALTO V. LEE,
Attorney for Contestee.

I, Alto V. Lee, attorney for L. B. Rainey, contestant, hereby certify that I executed the foregoing notice by leaving a copy of same with Thomas H. Stephens, attorney for Charles B. Kennamer, on this the 14th day of March, 1921.

ALTO V. LEE.

To C. B. KENNAMER, Esq.:

Take notice that it is the intention of L. B. Rainey, contestee, to examine the witnesses mentioned in this notice at the courthouse in Etowah County, at Gadsden, Ala., on March 21, 1921, and from day to day thereafter. The names and addresses are as follows: Jesse Gilliland, Reeves beat, Attalla, R. F. D., Ala.; W. T. Burton, J. R. Burton, and A. G. Humphries, Altoona, R. F. D. 1, Etowah County, Ala.

ALTO V. LEE.

Attorney for L. B. Rainey.

I, Alto V. Lee, attorney for L. B. Rainey, contestee, hereby certify that I executed the foregoing notice by leaving a copy of same with Thomas H. Stephens, attorney for C. B. Kennamer, contestant, on this 17th day of March, 1921.

ALTO V. LEE.

Attorney for L. B. Rainey.

To C. B. KENNAMER, Esq.:

Take notice that it is the intention of L. B. Rainey, contestee, to examine the witnesses mentioned in this notice at the courthouse in Etowah County, at Gadsden, Ala., on Saturday the 26th day of March, 1921, and from day to day thereafter. The names and addresses are as follows: J. P. Maize, Reeves beat, Etowah County, Ala., Attalla R. F. D.

ALTO V. LEE.

Attorney for L. B. Rainey.

I, Alto V. Lee, attorney for L. B. Rainey, contestee, hereby certify that I executed the foregoing notice by leaving a copy of same with Thomas H. Stephens, attorney for C. B. Kennamer, contestant, on this the 21st day of March, 1921.

ALTO V. LEE.

Attorney for L. B. Rainey.

AGREEMENT BETWEEN PARTIES.

It is agreed between Thomas H. Stephens, attorney for contestant, and Alto V. Lee, jr., attorney for contestee, that the depositions of W. T. Chunley, J. P. Chunley, W. F. Jeffries, Mrs. W. D. Atkins, Alex Burns, R. D. Standfield, J. M. Miller, L. L. Herzberg, John Childers, W. I. Carvin, John D. Scarbrough, W. C. Sitz, S. J. Miller, R. R. Yates, Miss Ramer Yates, E. P. Spradlin, R. L. Turner, A. J. Morton, W. G. Morton, W. T. Murphree, Jesse Gilliland, W. T. Burton, J. R. Burton, A. G. Humphries, and J. P. Maize, in behalf of the contestee, may be taken by consent before Hon. George D. Motley, jr., a justice of the peace, of Etowah County, Ala., and that said depositions when taken shall be treated as though taken before a notary public in said Etowah County, Ala.

This March 11, 1921.

THOS. H. STEPHENS.

Attorney for Contestant.

ALTO V. LEE.

Attorney for Contestee.

STATE OF ALABAMA, County of Etowah:

Examination of witnesses on behalf of the contestee, L. B. Rainey, in the contest of the election of Congressman for the seventh congressional district of Alabama, before George D. Motley, jr., a justice of the peace in and for said State and county and duly appointed by said L. B. Rainey as a commissioner to take depositions in his behalf, said election having been held in said district on the 2d day of November, 1920. Said examination was held in the courthouse of Etowah County, Ala., at Gadsden on the 14th day of March, 1921, at 9 o'clock a. m. Hon. L. B. Rainey being not present, but represented by Alto V. Lee, attorney, Gadsden, Ala., and Hon. C. B. Kennamer, contestant, not being

present, but represented by Hon. Thomas H. Stephens, attorney of Gadsden, Ala., and Hon. O. D. Street, Guntersville, Ala.

Appeared before me, George D. Motley, jr., a justice of the peace and duly authorized commissioner, the witnesses whose names appear in and who sign the following depositions, and who being by me first duly sworn to speak the truth, deposed and testified as follows:

J. B. CHILDRES, being examined, said:

Q. Where do you live, Mr. Childres?—A. I live in Attalla.

Q. How long have you lived in Attalla?—A. About 25 years.

Q. Is Attalla in Etowah County, Ala.?—A. Yes, sir.

Q. Do you hold any official position with the city of Attalla?—A. City clerk.

Q. Where is your office with respect to the place where the election was held on November 2, 1920?—A. On the left-hand corner of the city hall, in a room that has double doors.

Q. Was the election held in the city hall?—A. Yes, sir.

Q. Your office opens into the city hall by double doors?—A. Yes, sir.

Q. Where these doors opened or closed on the day of the election?—A. They were opened.

Q. Did you carry any ballots out of the voting place into your office?—A. I may have; I am not positive.

Q. If you carried any ballots out, were they blank ballots?—A. They were.

Q. If you carried any blank ballots out, about how many did you carry?—A. I don't remember but two.

Q. What were the circumstances under which you carried those out?—A. The office being open I was requested to get the ballots.

Q. Who requested you to get these ballots?—A. They were Miss Kellys.

Q. Did you mark the ballots for them?—A. No, sir.

Q. Do you know who marked the ballots for them?—A. They did it themselves.

Q. Did you mark any ballots that day?—A. I don't remember that I did.

Q. Do you know how the two Miss Kellys voted?—A. They said they wanted to vote a Republican ticket and they asked me how to do it.

Q. Did you tell them how?—A. I showed them how.

Q. Did you carry out from 20 to 50 ballots on that day?—A. I did not.

Q. Did you return any ballots that were voted?—A. I did not.

Q. Did the duties of your office require you to be in your office the day of the election?—A. Yes, sir.

Q. Were you there attending to the duties of your office?—A. Yes, sir.

Q. Was the city hall the regular place for holding municipal, county, State, and Federal elections?—A. Yes.

Cross-examination:

Q. Was there any way of getting into your office without going through the voting rooms?—A. There was one other door.

Q. How close was your office to the place where the voting was going on?—A. Across the room in the left-hand corner; I guess it was 50 or 60 feet.

Q. What was the population of the city of Attalla at the time of the election?—A. About 3,900.

Q. Were there any booths prepared at that voting place for the use of the voters?—A. Nothing more than tables.

Q. There was no secret place cut off from the rest of the room where the voter could mark his ballot unobserved?—A. No, sir; there were tables there in the room where they marked their ballots; a man could step aside and be private in marking his ballot.

Q. Will you explain how he could be private about marking his ballot on those open tables?—A. I do not know that I can explain it to your satisfaction, but that the man had the table to himself.

Q. You mean each voter had a separate table provided for him alone?—A. No, sir; I did not mean to say that.

Q. You mean to say that not more than one voter was allowed to use the same table at the same time?—A. I didn't say that.

Q. At times several voters would be using the same table?—A. Yes, sir.

Q. What size were those tables?—A. They were different sizes; I noticed they had one counter that was 15 or 16 feet long, and others that were shorter, about 8 feet long, and about 2½ feet wide.

Q. At times there were a good many people in that room at the same time?—A. Yes, sir.

Q. What would you say was the largest number in that room during the election day?—A. I could not say; I was busy at my work.

Q. Did other persons bring ballots into your office during the day of the election?—A. There were some three or four.

Q. Was it the voter himself or some one for him?—A. The voter did it.

Q. From whom did you get the ballots you brought into your office?—A. I don't remember whether it was Mr. Brasher or Mr. Gilliland or Mr. Phillips, the gentlemen I have named, or either clerks or managers.

Q. How many voting places were there in Attalla at that election?—A. There were just the two voting places, box 1 and box 2.

Q. It is well known that Attalla is Democratic in its political questions?—A. Yes, sir; I think so.

Redirect examination:

Q. Do you know Mrs. Willie Kirk, of Attalla?—A. Yes, sir.

Q. How long has it been since she resided in Attalla prior to the election?—A. If I remember right, it has been three or four years.

Q. What was her politics?—A. She was a Republican.

Q. What's the size of the room that adjoins your office in which the election was conducted?—A. Fifty by sixty feet.

Q. How long have they been conducting the elections in that room?—A. We have held three elections in this building.

Q. Did they have booths for the voters in those three elections?—A. No, sir.

Q. How long since they had booths in the voting places in Attalla?—A. About a year.

Q. Isn't it true that they haven't had booths in the voting places in this county in several years.

(Objections by Mr. Street. By agreement grounds of objection need not be stated unless called for by the other party.)

A. I think that is true.

Q. The three or four people who brought ballots into your office in response to the questions propounded to you on cross-examination, do you know their politics?—A. Two voted the Republican ticket and three, I am pretty sure, voted the Democratic ticket.

Q. State the reason why you say that two of them voted the Republican ticket and three the Democratic ticket?—A. I showed the two ladies that came to me how to mark the tickets to vote a Republican ticket. I am pretty sure that the other three voted the Democratic ticket, because they are Democrats.

J. B. CHILDERS.

ALEC BURNS testified as follows:

Q. What is your name?—A. A. W. Burns.

Q. Where do you reside?—A. I live in Phillips, beat No. 2, Etowah County, Ala.

Q. How long have you lived in Phillips beat?—A. Twenty years.

Q. Do you know Mrs. Nora Bean?—A. Yes, sir.

Q. Does she reside in Phillips beat, at the time of the November election?—A. Yes, sir.

Q. How long had she resided in Phillips beat?—A. They came back in the summer of 1920.

Q. From where did she come?—A. Somewhere up in Kentucky.

Q. Had she been born in Phillips beat and raised in Phillips beat?—A. She has lived more than 20 years in Phillips beat.

Q. Did she always claim Phillips beat as her home?

(Objections by Mr. Street.)

A. Yes.

Q. Do you know Charley Phillips?—A. I have known him nearly all his life.

Q. What is his politics?—A. He is a Republican.

Q. Did he vote in the November election?—A. Yes, sir; in Phillips beat.

Q. Was he a qualified voter?

(Objections by Mr. Street.)

A. No, sir.

Q. Was his name on the list of names furnished by the election officials to the managers of the election in Phillips beat as a qualified elector?

(Objections by Mr. Street.)

A. No, sir.

Q. Were you one of the managers of that election?—A. Yes, sir.

Q. Are you familiar with the voters of Kansas beat, Etowah County?—A. Yes, sir.

Q. Does Kansas beat adjoin Phillips beat?—A. Yes, sir.

Q. Prior to the November election had not Kansas beat always been a strong Democratic beat?—A. Yes, sir.

Q. Did it go Democratic or Republican in the November election?—A. Republican.

Q. Where had the elections been held in Kansas beat prior to the November election?—A. It was held for the last 10 years at Pilgrim's Rest Church, right on the line.

Q. Where was it held in November, 1920?—A. It was held about 150 feet from the voting place, and they held it in a storehouse.

Q. Did the registrars visit Phillips beat?—A. Yes, sir.

Q. Do you remember what day they were there?—A. In my best judgment it was Tuesday.

Q. Was there a public speaking well advertised in Phillips beat on the night before they registered persons in Phillips beat?—A. Yes, sir.

Q. Who were the speakers?—A. Miss Annie Joe Coates and Mrs. Will Wilson and Mr. Ed McCord.

Q. Were Miss Coates and Mrs. Wilson leading women in the nonpartisan league of Etowah County?—A. I think so.

Q. Did they announce at that speaking that the registrars would be in Phillips beat the next day for the purpose of registration and urge all the women in that beat and adjoining beats to come out and register?—A. Yes.

Q. Is it not a fact that speaking was held according to notices published in the daily papers on the night before the registrars visited the different beats of the county for the purpose of registration, and all qualified persons were urged at said speaking to appear before the registrars and register?—A. Yes, of course that was in the paper, and gave the different places of holding. I knew the registrars would be in Phillips beat before they came and where they would go to.

Q. About how many Democratic women in Phillips beat failed to register the day the registrars held a session in that beat?—A. They was about 8 or 10.

Cross-examination:

Q. Mr. Burns you are a Democrat I suppose?—A. Yes, sir.

Q. You don't mean to say of your own knowledge that at each place where the registrars appeared for the purpose of registering voters that a speaking was held at that place the night before the registrars came?—A. No; I never said that.

Q. All that you know is that there were notices in the papers of public speaking and also notice in the paper of the places of registration, except that you were at Phillips beat?—A. Yes.

Q. This speaking that you refer to at Phillips beat was in the interest of the Democratic candidate for President and Congress?—A. They were Democrats and I suppose that was their purpose. But they urged every woman to register.

Q. That was Mrs. Wilson and Miss Coates; I mean the speakers.—A. Yes; and Mr. E. O. McCord.

Q. Is Mrs. Wilson and Miss Annie Joe Coates and Mr. McCord members of the so-called Non-Partisan League?—A. I do not know that Mr. McCord is, but Mrs. Wilson and Miss Annie Joe Coates are.

Q. Mrs. Wilson made quite a number of speeches for Mr. Rainey during the campaign in this county?—A. I do not know.

Q. You say that the voting was not held in the same house in Kansas beat that it had previously been held in?—A. Yes; it was held in a store this time about 150 feet from the place that had been prepared for holding the same in which they had booths.

Q. Do you know why they moved out of that place into the storehouse?—A. I do not, but there was a good stove in the storehouse.

Q. Had they ever held any elections in this place prepared for that purpose?—A. Yes; they had been holding them there for about 10 years.

Q. You say Kansas surprised you this time by going Republican?—A. Yes; it surprised everybody.

Q. Who was the inspectors at that precinct that day?—A. Joe Sikes was a Republican and one of the managers; the other two were John Usry and J. W. Miller, they are Democrats.

Q. Mr. Burns, Mrs. Norah Bean of whom you spoke, how long had she been away from Phillips beat prior to last summer?—A. About three years; it might have been longer or shorter.

Q. Her husband was away with her from that community?—A. Yes, sir.

Q. Do you know where they were living during that period of their absence?—A. I do not know.

Q. You didn't see either of them during this period of their absence?—A. I saw them often during that period; they hardly ever had a protracted meeting down there but what they attended.

Q. What was Mr. Bean doing in Kentucky?—A. I know nothing only what he told me, and that was keeping books.

Q. You haven't got a list of the registrar's appointments?—A. No.

Redirect examination:

Q. Both Mr. and Mrs. Bean, of whom you have spoken, lived for a number of years in Phillips beat before they went to Kentucky?—A. Yes, sir.

Q. The fathers and mothers of both of them resided down there?—A. Yes, sir.

Q. And Mr. and Mrs. Bean have both returned to Etowah County?—A. Yes, sir.

Q. Do you know whether or not they changed their citizenship from Alabama to Kentucky; that is, did they intend to make Kentucky their home and abandon Alabama as their home?

(Objections by Mr. Street.)

A. Mrs. Bean said Alabama was her home and had claimed Alabama as her home; that is what she stated to me.

Q. Is Mr. Bean a Republican?—A. Yes; he is a Republican.

On recross-examination he said:

Q. Did Mr. Bean vote in that election?—A. I don't think he did.

Q. Were you present when the right to vote was discussed?—A. No; I was not.

Q. Do you know whether he appeared at the election?—A. No, sir; he did not appear.

On redirect examination he said:

Q. Is it not your best judgment that all the Republican voters in Phillips's beat that were entitled to register and vote voted?

(Objected to by Mr. Street.)

A. Yes; I think so.

A. W. BURNS.

L. L. HERZBERG testified on behalf of the contestee as follows:

Q. You are probate judge of Etowah County?—A. I am, and have been for a little more than 10 years.

Q. You are a Democrat and was chairman of the State Democratic campaign committee on the last election?—A. I was.

Q. Are you familiar with Etowah County, the Democratic and Republican communities in that county?—A. I think so.

Q. Will you explain or indicate the Democratic and Republican communities in a general way?—A. In a general way the east side is Democratic and the west side is Republican.

Q. How are the cities and towns?—A. Gadsden is Democratic, Alabama City is Republican, Attalla is Democratic, and Altoona is Republican.

Q. Do you know about when the registrars were appointed that registered the women just before the November election?—A. I know about the day.

Q. About how many days before the election were they appointed?—A. They were appointed either on Friday or Saturday and they started to work the following Tuesday.

Q. How many voting precincts are there in Etowah County?—A. Precincts, 34; voting places, 40.

Q. After the registrars were appointed did they have time to visit each voting precinct before the election?—A. No; impossible.

Q. State where they commenced to register the women and the route they pursued in a general way in their rounds in the county?—A. My recollection is they started in Phillips's beat; they went to Keysburg, Hokes Bluff, Ball Play, and Coates Bend, all on the east side of the county.

Q. The beats that you have just named are the first that they visited?—A. Yes; all those beats are Democratic beats.

Q. Where did they go then?—A. My recollection, Duck Springs, Carlisle, and Altoona, and Attalia.

Q. Are those all in the west side of the county?—A. Yes, sir.

Q. Are those beats in that part of the county that usually go Republican?—A. Yes, sir.

Q. There are two daily newspapers published in Gadsden; they have a general circulation throughout the county?—A. Yes, sir.

Q. Were notices inserted in one or both of those newspapers of the places and dates that would be visited by the registrars in their rounds in the county?—A. Yes; in one or both. Not only the date but the hour that they would be there.

Q. Did the registrars visit any other precincts before they began their work at Gadsden, the county seat?—A. Yes; Alabama City.

Q. What size city is Alabama City?—A. About 5,800.

Q. Did Alabama City go Democratic or Republican in that election?—A. Went Republican.

Q. Was any unfairness practiced by the registrars in registering either the Democratic or the Republican women in the county?

(Objection by Mr. Street.)

A. Not to my knowledge.

Q. In your judgment was that registration conducted fairly between the parties?

(Objection by Mr. Street.)

A. As fairly under the circumstances, on account of the blanks, short time, and the number of women that registered—it was held as fairly as possible.

Q. In your judgment did either party obtain an advantage in the registration, and if so, which one?

(Objection by Mr. Street.)

A. I think both parties registered all that they could register. I think the Republicans were better organized and they came near getting them all.

Q. What was done, if anything, in those precincts that were visited by the registrars just before they were visited by the registrars?—A. I do not know.

Q. State what activity, if any, each of the two parties took to register the women.—A. In my judgment they used every legitimate means possible.

Q. State some of the activities of the Republicans in the registration of their women.—A. They run a bus line from Boaz and Mountainboro.

Q. Was that from a Republican district?—A. Yes.

Q. To what extent did they haul women with that bus line, automobiles, and other vehicles?—A. They hauled them during the entire time—six days—they were sitting at the courthouse.

Q. In what numbers did they bring the women here to register during that time?—A. They brought a good many—lots of them—enough to scare us.

Q. What percentage, in your judgment, of the women in the county failed to register, if any?

(Objection by Mr. Street.)

A. Approximately, 20 per cent.

Q. To what party did that 20 per cent belong?—A. To both parties; a large percentage Democratic.

Q. Why did that 20 per cent fail to register?

(Objection by Mr. Street.)

A. Lots of them were opposed to voting, some of them sick, some it wasn't convenient, some away from home.

Q. As judge of probate did you engage in appointing the election managers and officers before the election in the several precincts of the county?—A. Yes, sir.

Q. How were those officers apportioned between the two parties?—A. As the law provided, I gave the Republicans a manager and clerk at each voting place, the names being furnished by the chairman of the Republican Party.

Q. Were the Republican managers, clerks, and officers representing the Republicans in their respective beats?—A. I suppose so; they were selected from a list furnished by the chairman of the Republican committee of the county.

Q. How many voting places in Gadsden?—A. Four.

Q. Has booths been supplied to those voting places by the county in the last several years?—A. No; they were originally supplied, but destroyed.

Q. What do you mean by saying that they were destroyed?—A. They would tear them up; it was a matter of impossibility to keep them in the country beats; they would use them for toilets, and they were allowed to hold them in schoolhouses and places where it would be more comfortable in bad weather.

Q. Did any Democratic beats go Republican in the last election in this county; if so, name them?—A. Kansas; Fairview went Republican; that is the only two that I recall.

Q. Did the beats that usually go Republican in Etowah County go Republican at the last election?—A. Yes.

Q. Was the election conducted fairly in this county?

(Objection by Mr. Street.)

A. I think so; about like they have all been.

Q. Did any absentee votes cast in this county in the last election?—A. Yes.

Q. Did you know Mrs. Lamar Smith, Mrs. T. C. Banks, Mrs. Joe Rhea, Mrs. Maud Manly, Mrs. Shahan?—A. Yes.

Q. Where did they live and where have they lived for years?—A. In Attalla.

Q. Do you know a man by the name of W. J. Battles, of Clear Creek beat?—A. I know his father and the Battles family.

Q. Did these several persons whose names have been mentioned apply to you for absentee ballots?—A. Yes; I supplied them with ballots.

Q. Did you supply Battles with a ballot?—A. I did.

Q. Did you send all of the absentee ballots to the voting places after they had been voted—that were received by you?—A. All except four.

Q. Why did you not send those four?—A. I made every effort to send them under the law; they have to be delivered the day of the election. I tried to find someone from the two beats where these four votes were to be cast and I finally delivered them to some parties that had agreed that they would deliver them if it was possible, and they brought them back the next day and said that it was impossible to deliver them.

Q. Who were those four?—A. They were two Gordons, at Aurora, and two voters at Phillips beat.

Q. Did you afterwards ascertain how their ballots were marked; did they vote for Mr. Rainey or Mr. Kennamer?—A. All four of them voted for Rainey.

Q. Was there an organization here prior to registration known as the women nonpartisan league?—A. Yes, sir.

Q. Did it consist of Democratic and Republican women?—A. Yes, sir.

Q. Did they conduct a school explaining to all the women that came how to register and vote?—A. Yes, sir.

Q. Did they urge the women of the county irrespective of their party affiliations through newspapers and otherwise to register and vote in the November election?—A. Yes, sir.

Q. How many tickets did you procure for the November election and send out to the respective voting place?—A. I delivered to the sheriff 14,000 tickets to be sent the respective voting precincts of the county.

Q. About what was the total Republican and Democratic vote in this county in the last general election prior to the election in November last; what I mean is the two combined parties?—A. It won't exceed 3,600 or 3,700.

Q. What was the vote of both parties in the last general election?—A. About 9,000.

Q. Do you know about how many registered male voters there are in Etowah County?—A. About 6,000; that is the list, a great many of them are dead and have moved away, etc.

Q. About how many women registered just prior to the November election?—A. About 5,000 or more.

Q. In your judgment did as many women vote as men in the last general election?

(Objection by Mr. Street.)

A. Yes.

Q. Have you refreshed your recollection as to the dates on which the governor appointed the registers for Etowah County?—A. I have; it was on Thursday, October 7, 1920.

Q. What occurred, if anything, to prevent the board of registrars organizing?—A. Mr. Frank Jeffers, who was named as one of the registrars, was a county commissioner and could not qualify.

Q. Was that fact communicated to the governor and he appointed another?—A. It was, and he appointed another. I want to correct the statement I heretofore made that the registrars of Etowah County commenced their rounds on Tuesday, October 12. Upon investigation I find that they commenced their rounds on Monday, October 11. I also find that they had fixed the dates and places at which and to which they would visit for the purpose of registering women on Friday, October 8, and that a notice of said dates and places was published on the front page of the Gadsden Evening Journal, a daily paper, a copy of which notice is attached to my depositions and marked "Exhibit A."

Q. Have you got any statement to make in response to Mr. Kennamer's notice of contest in which he charges in substance that the governor of Alabama, the Democratic State executive committee, the Legislature of Alabama, and you as chairman of the Democratic State campaign committee and other leading Democrats of the State entered into a conspiracy that the enactment of a law providing for the registration of the women to carry into effect the nineteenth article of amendment of the Federal Constitution should be so deferred as to cut out a large percentage of the Republican women of Alabama or prevent them from registering before the oncoming election?—A. Nothing more than I think it is absurd and ridiculous.

Q. Did you have any conversation with the governor, the legislature, or any of the persons indicated, or did you have any communication with them, or any of them, either directly or indirectly, in which the subject of the registration of either Democratic or Republican women was discussed or mentioned or in which any suggestion was made, either indirectly or directly, or in which any agreement was entered into, that the passage of any such law as that referred to in the foregoing question should be delayed or deferred for any purpose and especially for the purpose of impeding, hindering, or delaying any women from registering in this State?—A. No; I never heard it mentioned until I read it in the copy of Mr. Kennamer's contest.

Q. Since you read that charge in Mr. Kennamer's notice of contest have you learned of any facts or circumstances tending to show that any such conspiracy existed?

(Objections by Mr. Street.)

A. None whatever.

Q. Is it not true that Alabama is overwhelmingly Democratic and every congressional district in it, with the possible exception of the seventh and tenth districts?—A. I think that is true, except I think the seventh and tenth are also Democratic.

Q. Is it not true that the seventh and tenth congressional districts of Alabama are overwhelmingly white and that a Republican has never been returned to Congress from either of those districts?—A. Yes, sir.

Q. Is it not true that the last 40 years the tenth congressional district has uniformly returned a Democrat to the lower House of Congress, except in the Populite period in 1894 to 1898, when Mr. M. W. Howard, a Populist, was returned twice from that district?—A. Yes.

Q. Is it not true that there is a large percentage of the voting population of the tenth congressional district of Alabama Republicans, but that the Democrats have had a majority and now have a majority in that district?—A. Yes.

Q. Did the Republicans lose any of their strength in Etowah County in the last election?

(Objections by Mr. Street.)

A. I think, proportionally, they gained a little.

Cross-examination:

Q. Isn't it a fact that you did go to Montgomery at the time the legislature convened last fall?—A. No.

Q. You know whether Mr. Rainey and Mr. Alto Lee went to Montgomery during that session?—A. I am sure that Mr. Rainey did not; I do not know about Mr. Lee.

Q. You were chairman of the Democratic State campaign committee during the campaign last fall?—A. Yes, sir.

Q. Do you know why it was or have you ever heard any explanation offered why it was that a registration law for the registration of the women was not passed until the last day of the session?—A. I do not.

Q. That legislature convened on the 14th day of September, 1920, and adjourned on the 2d of October, 1920?—A. About that time.

Q. You are sure that Mr. Rainey did not go to Montgomery at the special session of the legislature?—A. That is my judgment; I am rather positive about it.

Q. He could have gone without you knowing it, of course?—A. Hardly at that time, as the campaign was on; of course, he could have possibly gone; it is possible not probable.

The news items appearing in the Gadsden Evening Journal of Friday, October 8, 1920, headed "Registration books thrown open Monday," is the only notice appearing in that paper of the time and place of registration?—A. I have examined the issue of the 8th to the 12th, both inclusive, and have found no other notices.

Q. On having your recollection refreshed by referring to the Gadsden Evening Journal of September 15 last, state what is now your recollection about having visited Montgomery at about that time.—A. My recollection is that I was in Montgomery about the middle of September as one of a committee from the Chamber of Commerce to go before the State highway department with reference to a road from Guntersville to Anniston; it had no connection in anyway with the meeting of the legislature or the governor.

Q. Judge, please examine the files of the Gadsden Daily Times-News of the dates October 8 to October 12, both inclusive, and state whether or not the news items appearing in the issue of October 8 headed "Gadsden women can register the week of October 19 to 26" is the only notice you find of the time and places of registration.—A. I do not find any others.

Q. Judge, what precinct is Glencoe in?—A. In Keysburg.

Q. Have you examined the tabulated statement of the result of the election in Etowah County as the same appears in the issue of the Gadsden Evening Journal of November 6, 1920?—A. Yes.

Q. In your judgment, is that substantially correct?—A. It is.

(Contestee offers in evidence newspaper clipping containing said tabulation hereto attached marked "Exhibit B.")

Q. Phillips Beat is a Democratic beat isn't it?—A. Yes, sir. So are Keysburg, Hokes Bluff, and Coats Bend.

Q. Altoona has been a Democratic beat up until this last election?—A. It is a doubtful beat nationally, in local elections it usually goes Democratic.

Q. Duck Springs is close, but it is usually Republican?—A. Yes.

Q. Carlisle beat is close but has been heretofore Democratic?—A. No; it is a Republican beat.

Q. It is not strongly Republican?—A. It is.

Q. Alabama City is a doubtful beat?—A. No; nationally, it is Republican; not so very strong. Locally, sometimes the Democrats carry it and sometimes the Republicans carry it.

EXHIBIT A.

REGISTRATION BOOKS THROWN OPEN MONDAY.

First registration under new law will be at Burns Academy. Brief trip planned by new registrars. Board will sit in Gadsden for one solid week, beginning October 19.

The registration books of Etowah County will open at Burns Academy in Phillips beat next Monday, October 11, according to announcement by the board of registrars.

Prior to holding the week's sitting in Gadsden, beginning October 19, the board will visit the several divisions of the county in order to accommodate as many people as possible. On account of the lack of time it was necessary to figure out a schedule as follows:

Phillips beat, Burns Academy, Monday, October 11.

Glencoe, Sims store, Tuesday from 8.30 to 12 o'clock.

Hokes Bluff, Barnes, Tuesday from 1 to 5 o'clock.

Ball Play, Raines Schoolhouse, Wednesday from 8.30 to 12 o'clock.

Coates Bend Schoolhouse, Wednesday from 1 to 5 o'clock.

Altoona, Thursday.

Duck Springs, Friday, from 8 to 12 o'clock.

Mountainboro, Friday from 1 to 5 o'clock.

Alabama City, Saturday.

Attalla, Monday, October 18.

Gadsden, Tuesday, October 19 to Monday, November 26.

Women who are otherwise qualified may register with the board at any of its sessions. It will be in Gadsden one whole week, beginning October 19, and parties from any portion of the county may register here.

Efforts are being made by both of the old parties to have the women register and the county league of women voters is doing everything possible to induce all women, regardless of their party affiliation, to register and qualify as voters.

EXHIBIT B.

ETOWAH RESULTS.

	Rainey.	Ken- namer.		Rainey.	Ken- namer.
Gadsden—1.....	549	91	Attalla—2.....	214	54
Gadsden—2.....	798	70	Hoppers.....	34	130
Gadsden—3.....	994	226	Reeves.....	23	33
Gadsden—4.....	402	50	Warrior.....	19	104
Phillips.....	103	43	Short Creek.....	84	261
Kansas.....	33	37	Howelton.....	40	90
Hokes Bluff—1.....	147	43	Reese.....	47	35
Hokes Bluff—2.....	75	11	Union.....	22	89
Ball Play.....	60	43	Keysburg.....	100	40
Turkeytown.....	33	4	East Gadsden.....	194	42
Brooks.....	44	114	Hollis.....	61	36
Fairview.....	59	81	Gilbert.....	52	30
Keener.....	54	21	Alabama City—1.....	264	324
Duck Springs.....	84	82	Alabama City—2.....	107	132
Cox.....	62	90	Coats Bend.....	57	14
Chandler.....	53	156	Riddle Bend.....	13	22
Aurora.....	64	94	Altoona.....	109	118
Walnut Grove.....	74	34	Carlisle.....	60	105
Clear Creek.....	44	84	Whorton Bend.....	52	12
Gum Springs.....	47	38			
Attalla—1.....	324	195	Total.....	5,655	3,279

Q. Attalla and Gadsden, of course, they are strongly Democratic?—A. Yes, sir.

Q. All three of the registrars of this county were Democrats?—A. Yes, sir.

Redirect examination:

Q. It is true that the beats adjoining Duck Springs are all Republican except Keener and Resse?—A. Yes.

Q. It is true that all the beats that joint Carlisle are strongly Republican?—A. All of them.

Q. It is true that all the beats that adjoin Altoona are Republican except Walnut Grove?—A. Yes; all strong Republican.

Q. During the time the registrars were registering the women voters at Gadsden the six days they were there it was generally known all over the county that they were registering at the courthouse?—A. Yes, sir.

Q. The beats that the registrars visited for registering the women before they came to the courthouse, with the exception of Alabama City and Attalla, were beats that were near the borders of the county or on the border of the county?—A. Yes, sir.

(Contestee offers the news item giving the time and place of registration as the same appears in the issue of the Times-News of October 8, 1920, a copy of which is hereto attached and marked "Exhibit C.")

Redirect examination, he said:

Q. I wish you would look at this news item that has been offered as Exhibit C to your testimony and point out wherein the newspaper has balled up the notice.—A. The Journal had it correct; that is, the Gadsden Evening Journal has it correct.

Q. I call your attention, Judge, to a notice of public speaking which appeared in the Gadsden Evening Journal of October 9, 1920. I will ask you to examine that notice and see if each date of speaking is not the preceding date on which the registrars visited the precincts to register the women?—A. Yes; that is true.

EXHIBIT C.

Gadsden women can register the week October 19 to 26.

Other dates for county announced.

The board of registrars named to care for the registration of the women of the county have announced dates when the women can register. The books in Gadsden will be open from October 19 to the 26th. In Alabama City they will be open October 18.

The other dates and places are as follows: Phillips beat, at Burns Academy, Monday, October 11, all day; Glencoe, October 12, 8.30 to 12 noon; Hokes Bluff, the same date, 12 noon to 5 o'clock; Ball Play, Rains's Schoolhouse, October 13, 8.30 to noon; Coats Bend, the same date, 12 noon to 5 p. m.; Duck Springs, Stephen's store, October 15, 8.30 to 12 noon; Mountainboro, the same date, from 12 noon to 5 p. m.; Altoona will open October 18, all day.

The campaign in the seventh district will take on a more active aspect Saturday, when the first of a series of rallies will take place. The first date will be at Burns Academy, and E. O. McCord and Will Wilson will talk.

The other dates are as follows: October 11, Glencoe Public School, Hugh White, Mrs. G. W. Mathis; October 11, Hokes Bluff, J. A. Bilbro, John A. Lusk; Ball Play, October 12, O. R. Hood, W. J. Boykin; Coats Bend, October 12, E. O. McCord and N. M. Thompson; Altoona, October 13, J. M. Miller, A. R. Whited; Duck Springs, October 14, J. M. Miller, Clarence Inzer; Mountainboro, October 14, W. C. Griggs and E. P. Murphy; Alabama City, October 15, J. A. Bilbro, O. R. Hood; Attalla, October 16, E. O. McCord, C. W. Peters; Alabama City, October 16, J. H. Disque, Mrs. G. W. Mathis.

(Contestee offers the said notice of public speaking in evidence, a copy of which is attached to the depositions of L. L. Herzberg as Exhibit D.)

Q. Judge, I will call your attention to a news item appearing in the Gadsden Daily Times-News of date October 13, 1920, and headed, "Women will give autos to help the registration." I will ask you, Judge, to look at the list of women named in that notice and see if any of them are Republicans?—A. One of those women, Mrs. Maurice Shannon, is a Republican, and I do not know what is the politics of Mrs. W. I. Camp.

(Contestee offers in testimony said notice, a copy of which is attached to the testimony of L. L. Herzberg and marked "Exhibit E.")

L. L. HERZBERG.

EXHIBIT D.

Public speakings: The following speakers will speak at the places and on the dates set opposite their names at 7 o'clock p. m. All are invited and urged to be present; the ladies especially. Come out and hear about the candidates and the issues you are to vote for on November 2 next:

E. O. McCord, Mrs. Will Wilson, Burns Academy, Saturday, October 9.

Hugh White, Mrs. G. H. Mathis, Glencoe Public Schoolhouse, Monday, October 11.

J. A. Bilbro, John A. Lusk, jr., Hokes Bluff, Monday, October 11.

O. R. Hood, W. J. Boykin, Ball Play, Tuesday, October 12.

E. O. McCord, N. M. Thompson, Coats Bend, Tuesday, October 12.

J. M. Miller, A. R. Whited, Duck Springs, Thursday, October 14.

W. C. Griggs, E. P. Murphy, Mountainboro, Thursday, October 14.

J. A. Bilbro, O. B. Roper, Alabama City, Friday, October 15.

E. O. McCord, C. W. Peters, Attalla, Saturday, October 16.

J. H. Disque, Mrs. G. H. Mathis, Alabama City, Saturday, October 16.

ALTO V. LEE,

Chairman Seventh Congressional District Democratic Committee.

EXHIBIT E.

WOMEN WILL GIVE AUTOS TO HELP THE REGISTRATION.

League of Women Voters name committees to plan this work.

The League of Women Voters met yesterday afternoon in the rooms of the Business and Professional Women's Club and named the committee to assist in furnishing automobiles so that women can register when the books are opened here October 19 to 26.

The following committee was named: Mrs. Harry Hopkins, Mrs. J. S. Paden, Mrs. W. I. Camp, Mrs. C. W. Vance, Mrs. J. F. Herring, Mrs. Maurice Shannon, and Miss Ita Stocks.

A committee to design and publish some posters on registration was named to include Mrs. John S. Paden and Mrs. C. W. Vance.

Last night there was a rally at Coates Bend at which Miss Annie Coates and E. O. McCord spoke. Registration of women will take place to-day at Coates Bend.

Mrs. Mathis has been named district chairman for the women of the county, and it is probable that she will give up her duties as chairman of the Gadsden Club to give her attention to the county work, although she has made no announcement of this fact as yet.

W. F. JEFFERS testified on behalf of the contestee as follows:

Q. Do you know Henry Quinn?—A. Yes, sir.

Q. Did he vote in the November election in Keysburg beat, Etowah County, Ala.?—A. Yes, sir.

Q. Did he vote for Mr. Kennamer or Mr. Rainey for Congress?—A. He voted for Mr. Kennamer; he voted a straight Republican ticket.

Q. Were you the Democratic manager in that box?—A. Yes, sir.

Q. Tell how you know that he voted a Republican ticket.—A. Mr. Quinn was unable to read, and he asked if I would mark his ticket for him, and I went to the booth with him, and he told me he wanted to vote a straight Republican ticket and showed me where to mark under the elephant.

Q. Did you mark under the elephant?—A. I did.

Q. Was the elephant the emblem of the Republican Party in Alabama?—A. Yes, sir.

Q. Was that vote deposited in the ballot box and counted?—A. Yes, sir.

Q. Were you present at a speaking in Keysburg beat the night before the registrars registered the voters of that beat?—A. Yes, sir.

Q. Was that speaking generally advertised through the papers and by circulars circulated?—A. It was advertised in the paper and by notices posted at the post office and stores and other public places.

Q. Was that speaking attended by a large crowd?—A. Yes; there was a fairly large crowd.

Q. Did the speakers announce that the registrars would be in Keysburg beat on the following day and urge all of the people entitled to register to come out and register?—A. That announcement was made publicly at the speaking, but I do not know whether each speaker announced it or not.

Q. Were you the regular appointed clerk for the board of registrars in this county?—A. I was one of the clerks.

Q. Did you go with the registrars to their different appointments in the county?—A. Yes.

Q. During that time that the registrars were sitting in the country precincts, which registered the greater number—the Republicans or the Democrats?

(Objection by Mr. Street.)

A. There was no way from the registration certificates of knowing for whom they would vote for, except from expressions and statements from those registering and from those expressions it seemed that most of them would vote for Kennamer.

Q. Was it well known in each beat that the registrars were coming to register the voters?

(Objections by Mr. Street.)

A. Yes, sir.

Q. Did the people turn out in large numbers to register?—A. Yes, sir.

Q. Did you attend the registration at Mountainboro?—A. Yes, sir.

Q. About how many women had gathered there for the purpose of registration when the registrars arrived?—A. About 200, I think.

Q. Is that a Republican section of the county?—A. Yes, sir.

Q. Did that many people turn out at any other country precinct which the registrars visited?—A. No, sir.

Q. Did the women come in from adjoining beats and register from the different places?—A. Yes, sir.

Q. About how many did you register in Altoona?—A. Something over 200.

Q. Is that in the Republican section of the county?—A. Yes, sir.

Q. How many did you register at Duck Springs?—A. About 60, I think.

Q. Is that also in a Republican section of the county?—A. Yes, sir; I think so.

Q. About how many did you register at Coats Bend?—A. About 40.

Q. In Phillips beat, about how many?—A. About 55.

Q. In Keysburg?—A. Close around 50.

Q. Hokes Bluff?—A. Between forty and fifty.

Q. Were those last-named beats in the Democratic section of the county?—

A. Yes, sir.

Q. Were they visited first by the registrars?—A. Yes, sir.

Q. About how many were registered in Ball Play?—A. About 30.

Q. Is that also in the Democratic section of the county?—A. Yes.

Q. About how many were registered in Attalla?—A. Something like 250.

Q. Is the section of the county surrounding Attalla largely Republican?—A.

Yes, sir.

Q. Did the voters come from adjoining beats to Attalla to register?—A. Yes, sir.

Q. In your judgment were there more Republicans or Democrats registered at Attalla?—A. I think there were more Republicans.

Q. In Attalla, did they come in from adjoining beats to register?—A. Yes,

Q. In Altoona did they come in from adjoining beats to register?—A. Yes, sir.

Q. Were there more Democrats registered at Altoona or Republicans?—A. I think there were more Republicans.

Q. About how many did you register in Alabama City?—A. Over 200; maybe 250.

Q. Are the country beats adjoining Alabama City Republican or Democrat?—A. Republican.

Q. Did the voters come in from the adjoining beats to register?—A. Yes, sir.

Q. Were the registrars assisted by Republican voters in registering the voters at some of the precincts which the registrars visited?—A. Yes, sir.

Q. About how many a day were registered during that time that the registrars sat at the courthouse in Gadsden?—A. About 500.

Q. Did the voters come from all parts of the county while the registrars were sitting at the courthouse?—A. Yes, sir.

Q. Were both Democrats and Republicans active in getting the voters to register?—A. Yes, sir.

Q. Did you sit with the registrars during the entire period of their registration?—A. Yes, sir.

Q. During that time did the registrars ask any applicant for registration what their politics were?—A. Not that I know of.

Q. Was any applicant for registration refused the privilege of registering on account of his or her politics?

(Objection by Mr. Street.)

A. None that I know of.

Q. Was the registration conducted fairly as to both parties—the Republicans and Democrats?

(Objections by Mr. Street.)

A. Yes, sir.

Q. Before the registration commenced, did Mr. Harris, chairman of the board of registrars of Etowah County, give any instructions to the board, and if so what were they?

(Objections by Mr. Street.)

A. His instructions were to treat all applicants fairly regardless of what they were going to vote, and the only question would be the question of qualifications.

Q. Was that instruction or rule adopted and carried out by the board of registrars?

(Objections by Mr. Street.)

A. Yes, sir; so far as I know it was.

Q. You know about how many were registered in this county during the time the registrars sat for the purpose of registration?—A. Around 5,000.

Q. When was the registrars appointed?—A. I do not know.

Q. Do you remember when Mr. Jelks was appointed?—A. Yes; on Saturday.

Q. How soon after that was it before the registration commenced?—A. The Monday following.

Q. From what you observed and saw and heard, could the registration have been more fairly conducted in respect to both the Republican and Democratic Parties in this county than it was conducted?

(Objections by Mr. Street.)

A. No, sir.

Cross-examination :

Q. Were all three of the registrars present at all time during the registration?—A. Yes, sir.

Q. Did you know of any registrar registering any voter when the other two registrars were not present?—A. No, sir.

Q. Did you know of any registration of voters having been carried on at any other place than the places mentioned in the notice in the Gadsden Evening Journal of October 8, 1920?—A. No, sir.

Q. Do you know of any person other than the registrars having in their possession registration certificates in this county?—A. No, sir.

Q. Do you know or did you hear of certificates of registration being furnished to any voters that did not appear in person before the board?—A. No, sir.

Q. Do you know how the group of ladies at Attalla, consisting of Mrs. T. C. Banks, Mrs. Maud Manley, Mrs. Lamar Smith, Mrs. Arthur Shaban, Mrs. Joe Rhea, and Mrs. Cox, got their certificates of registration?—A. No, sir.

Q. Do you know how a Mrs. Alverson, of Brock's beat, got her certificate?—A. No, sir.

Q. As clerk what were your duties? What kind of work did you perform?—A. Making out applications for certificates, and later on in the registration I compiled the registration lists for the different beats to be filed with the probate judge.

Q. Who kept the registration book; that is, the original book; who made the entries on it?—A. I do not know.

Q. This application that you speak about, that was a paper giving information as to the names and times of birth, residence, etc.?—A. Yes.

Q. You made that out and furnished it to the voter?—A. Yes; and they signed it and took it to the registrars.

Q. How many other clerks were there besides yourself?—A. There were three or four at times.

Q. You spoke of the country beats adjoining Alabama City as being Republican; what beats do you refer to? Name them.—A. Gum Springs and Fairview.

Q. What is the political complexion of Gilbert's beat?—A. I do not know which one.

Q. Fairview is on the north side of Alabama City, isn't it?—A. Yes, sir.

Q. Heretofore it has been a Democratic beat?—A. No, sir.

Redirect examination :

Q. The applications you spoke of were printed forms issued by the Secretary of State, were they not?—A. Yes, sir.

Q. Did they set out the qualifications in blank for the voter?—A. Yes, sir.

Q. The applications that you filled out were filled out by you at the request of the voter with information furnished by the voter, and sworn to by the voter before a certificate of registration was issued by the registrars?—A. Yes, sir.

W. F. JEFFERS.

W. T. CHUMLEY testified on behalf of the contestee as follows :

Q. Where do you reside, Mr. Chumley?—A. I reside in Keener, Route 1, Duck Springs beat, Etowah County, Ala.

Q. Do you know May Barksdale?—A. Yes, sir.

Q. Is she a Democrat or Republican?—A. Republican.

Q. Did she vote in the November election, 1920?—A. I heard several people say that she voted.

Q. How long had she resided in the county prior to November 2, 1920?—A. Less than 12 months.

Cross-examination :

Q. You don't know of your own knowledge that she voted?—A. No, sir.

Q. And if she voted you do not know of your own knowledge how she voted?—A. I did not see her vote.

W. T. CHUMLEY.

R. L. TURNER, on behalf of the contestee, testified as follows :

Q. Where do you live, Mr. Turner?—A. I live in Chandler beat, Etowah County, Ala.

Q. Were you one of the election officers on November 2, 1920, in Chandler beat, Etowah County?—A. Yes, sir; I was clerk.

Q. Who were the other officers in that beat?—A. Mr. T. W. Ross was a clerk, A. J. Morton was a manager, and J. J. Pullen was a manager, and A. O. Blackmon, inspector.

Q. Did the registrars visit your beat in their rounds?—A. They visited Mountainboro and notified all the people in our beat to meet them there.

Q. Is Mountainboro in the adjoining beat?—A. Yes, sir.

Q. In addition to this notice what other notice did the Republicans have in reference to registration?—A. Mr. T. W. Ross and S. P. Casey made a house to house canvass of the Chandler beat.

Q. Mr. Ross and Mr. Casey were Republicans?—A. Yes, sir.

Q. Did they visit the Republican homes of Chandler beat and urge the women to register?—A. Yes, sir.

Q. After this house-to-house canvass what was done by the Republicans to get the women to the place of registration?—A. There were a couple of parties from Boaz followed them on with a truck and took them to the place of registration.

Q. All of the Republican or practically all of the Republican women registered in that beat?—A. Yes, sir.

Q. On the day of the election was anyone placed within the polling place by the Republican leaders?—A. Yes, sir.

Q. Who was it?—A. Mrs. Willie Putnam.

Q. Whose daughter is Mrs. Willie Putnam?—A. S. T. Casey's daughter.

Q. About how many ballots had been cast when she came into the polling place?—A. Something like 40 or 50.

Q. About what time of day was it?—A. About 10 o'clock.

Q. Did she remain in the polling place the rest of the day, and until the ballots were counted?—A. Yes, sir; she helped make the count and marked one of the tally sheets.

Q. Was she a Democrat or Republican?—A. Republican.

Q. Did the Republicans have a manager and a clerk on that day?—A. Yes, sir.

Q. Who were they?—A. T. W. Ross was clerk and J. J. Pullen was manager.

Q. Did they remain at the polling place until the ballot was counted?—A. Yes, sir.

Q. Did Mrs. Putnam mark tickets during the time that she was in there and until the polls were closed?—A. Yes, sir; she marked all day.

Q. Was she in there at the invitation of the election managers or by their consent?—A. The first I knew about her father and other Republicans were demanding that she be put in as a watcher or marker.

Q. Did the managers ever consent for her to act as a watcher or marker?—A. Not that I know of.

Q. Was she sworn?—A. No, sir.

Q. Were the election officers sworn?—A. Yes, sir.

Q. About how many tickets did she mark?—A. She marked most all of them that were cast after she entered there. There were some few that could mark their own ballot, and I marked a few myself.

Q. Were the ballots exhausted at that box before the polls were closed?—A. Yes, sir.

Q. About how many ballots had been cast before the ballots gave out?—A. My recollection is that about 201 had been cast.

Q. About what time did the ballots give out?—A. About 2.30 in the afternoon.

Q. What did you do toward securing additional ballots, if anything?—A. I sent my son to Aurora and Howelton.

Q. Were they beats near Chandler beat?—A. Yes, sir.

Q. Were they Democratic or Republican beats?—A. They are Republican.

Q. Did your son succeed in getting ballots?—A. No, sir.

Q. What became of the Democrats that were at the polling place when the ballots gave out and you were unable to get more?—A. They went home.

Q. What became of the Republicans?—A. Some of them remained there on the ground and some of them went home.

Q. Were ballots afterwards secured by anyone?—A. Well, I understood there was; they secured some ballots after that at Aurora.

Q. Who got these ballots from Aurora?—A. Oliver Tillery.

Q. Is he a Democrat or a Republican?—A. Republican.

Q. Did he say how he got these ballots?—A. I didnt hear him say anything about it.

Q. Were these ballots turned over to the election officials before they were voted?—A. No, sir.

Q. Just tell how they were handed out and how they were voted.—A. The voters come in with them in their hands.

Q. Did they vote them without ever having turned them over to the managers?—A. Yes, sir; they laid them right down on the table and marked them.

Q. Were any of these ballots voted by Democrats?—A. Not that I know of.

Q. If I understood you correctly, Republican voters acquired the ballots on the outside of the polling place and not from the managers of the election and voted them without the managers ever having them in their possessin?—A. Yes, sir; that is true.

On cross-examination he said:

Q. Mr. Turner, you was the Democratic clerk in Chandler's beat?—A. Yes, sir.

Q. There was two Democratic managers at that box, were there not?—A. Yes, sir.

Q. This Mrs. Putnam was put in as a watcher by the Republicans, you say?—A. Well, I call her a watcher or marker.

Q. You stayed at the polling place until the ballots were counted?—A. Yes, sir.

Q. Were the ballots counted as cast at that beat?—A. I suppose so.

Q. You was one of the clerks and kept a tally, did you not?—A. Yes, sir.

Q. Those ballots that were procured after the ballots gave out were the regular official ballots, were they not?—A. I think so.

Q. The voters that voted those ballots turned them over to the managers to be deposited in the box, did they not?—A. Yes, sir; after they voted them we had some confusion about getting them numbered and on the list.

Q. There was a number of people that didn't get to vote on account of not having ballots enough after they procured those extra ballots?—A. Yes, sir; there were some.

Q. Chandler's beat is overwhelmingly a Republican beat, isn't it?—A. Yes, sir.

Q. How long were the registrars at Mountainboro?—A. I don't know how long they were there.

Q. Was there any notice that they would be there published?—A. I never noticed anything in the paper about it; the only thing that I knew about it was that the people were going that way.

Q. It is a fact that they were only there in the evening?—A. I think that is right.

Q. In your judgment, about how many voters in Chandler beat got an opportunity to register while the registrars were at Mountainboro that evening?—A. I don't know; there was quite a number of them there.

Q. There were quite a number of them that had to come to Gadsden to register that did not have an opportunity to register while they were there?—A. I don't know about that; there were a lot of them that did come to Gadsden to register.

Q. How far is it from the voting place in Chandler's beat to the courthouse in Gadsden?—A. I suppose it is about 20 miles.

Q. How far is it from the voting place in Chandlers to the place where the registrars sat in Mountainboro?—A. Four or five miles.

On redirect examination he said:

Q. Is Chandler beat vote approximately 53 for Mr. Rainey and 156 for Mr. Kennamer?—A. I think that is right.

R. L. TURNER.

E. P. SPRADLIN and A. J. MORTON, who are present, testify substantially to the facts testified to by R. L. Turner.

E. P. SPRADLIN.
A. J. MORTON.

R. R. YEATS testified on behalf of the contestee as follows:

Q. You know Mr. Luke Silvey, Gilbert's beat, Etowah County?—A. Yes, sir.

Q. Did you know Uncle John Jones?—A. I do.

Q. What was his physical condition on November 2, 1920?—A. He was blind and had a very bad cancer on the left side of his face.

Q. Did you start with Mr. John Jones to the voting place?—A. I did.

Q. How were you going, in what kind of a conveyance?—A. In a car.

Q. Did Mr. John Jones vote while on that trip with you to the polls?—A. He did not.

Q. Mr. Yeats, state in your own way why Mr. Jones did not vote in person.—A. When I got there I went to the polls and found that the managers had got a vote already from Mr. Jones and it had been deposited in the box, and the managers and clerks all said they were satisfied and I left. Mr. Jones is my stepfather.

On cross-examination he said:

Q. How far did Mr. Jones live from the voting place?—A. Something like a half mile.

R. R. YEATS.

Miss RAAMAH YEATS, being sworn on behalf of the contestee, testified as follows:

Q. Where do you live?—A. I live in Gilberts beat, Etowah County.

Q. Is Mr. John Jones related to you?—A. He is my step-grandfather.

Q. On November 2, 1920, did he live with your father's family?—A. He did.

Q. What was his physical condition on that day?—A. He was blind and had a cancer and very weak.

Q. About what age man is Mr. Jones?—A. Seventy-one.

Q. Did anyone bring a ticket to his house to be voted by him?—A. Yes.

Q. Who was it?—A. H. A. Morgan and W. A. Simpson.

Q. Was Mr. Morgan one of the election officers?—A. Yes.

Q. Did Mr. John Jones vote the ticket—that is, mark the ticket—that Mr. Morgan brought?—A. Yes; he marked it himself, and I gave him a pencil, and then he folded it.

Q. Tell how Mr. Jones marked the ticket.—A. He felt of the ticket, and he had voted a great many times and he knew just about where to put the mark and he marked in the circle under the rooster.

Q. After the ticket was folded what was done with it?—A. He gave it to me and I put it in an envelope and sealed it and gave it to Mr. Morgan.

Q. Had you voted at this time?—A. Yes.

Q. At the time you voted did any of the election officials request you to take a ticket to Mr. Jones?—A. Yes; Luke Silvey, the returning officer.

Q. What did he say?—A. When I went in he told me I must get a ticket for Uncle John, but I didn't because I knew my father had come to town and would be back to take him to the polls, and I came out and waited for my sisters until they voted, and when they came out we started to leave; he asked us if we got a ticket for Uncle John, and I told him no, and he says "You must because this will be probably the last time that Uncle John will get to vote," and I told him that my father had gone to town to vote and when he came back that he would attend to that himself.

RAAMAH YEATS.

W. G. MORTON testified on behalf of the contestee, as follows:

Q. Where do you live, Mr. Morton?—A. I live in Chandler's beat, Etowah County.

Q. Do you know who went after the ballots the day of the election, November 2, 1920?—A. Oliver Tillery.

Q. Did he bring them back to the polling place in Chandler's beat?—A. Yes, sir.

Q. What did he do with them?—A. He hunted up the ones that he told to wait he would go and get some ballots and gave these ballots to them.

Q. Were the parties to whom he gave the ballots Democrats or Republicans?—A. Republicans.

Q. Were these ballots afterwards voted?—A. Yes, sir.

Q. What did Mr. Tillery say, if anything, in regard to giving any of these ballots to Democrats?—A. He said being as we had gone and failed to get the ballots his brother-in-law was one of the managers at Aurora he would go down there and have him steal him some, if I get any I will see that no damn Democrat votes them.

On cross-examination he said:

Q. How many tickets did he get?—A. I couldn't tell you; either five or six I heard some of them say.

Q. Was there any Democrats there that hadn't voted when he returned with those tickets?—A. I don't know where there was or not.

Q. There was a good many Republicans there that didn't get to vote at all, wasn't there?—A. Yes; and also Democrats, too.

W. G. MORTON.

JOHN D. SCARBOROUGH testified on behalf of the contestee as follows:

Q. Where do you live?—A. I live in Reese's beat, Etowah County.

Q. You know Coon Scarborough and R. E. Scarborough?—A. Yes; Coon Scarborough is my brother and R. E. Scarborough is my nephew.

Q. When did they move last into Reese's beat?—A. The latter part of November or the first part of December.

Q. Had they been living in Etowah County for 12 months prior to November 2, 1920?—A. They moved to my place in November or December from Marshall County.

Q. How long had they resided in Marshall County?—A. About 10 or 11 months.

Q. Had they made a crop in Marshall County during the preceding year?—A. Yes, sir.

Q. Did they vote in the November election in Reese's beat?—A. I did not see them vote, but they both said they voted.

Q. Did they vote a Democratic or Republican ticket?—A. Republican, I suppose they said they were.

On cross-examination he said:

Q. You do not know of your own knowledge that they voted?—A. No, sir.

Q. And you do not know of your own knowledge how they voted if they voted?—A. No, sir; I only know what they told me.

Q. Did they claim Reese's beat as their home?

(Objection by Mr. Lee.)

A. Yes, sir.

Q. They had lived in Reese's beat a number of years prior to that?—A. Yes, sir; they had lived with me three years before they moved to Glencoe.

On redirect examination he said:

Q. They had been away from Reese's beat about two years before they moved back?—A. Eighteen months or two years.

Q. Did they move their family and their possessions with them to Marshall County?—A. Yes, sir.

JOHN D. SCARBOROUGH.

J. R. BURTON testified as follows in behalf of the contestee:

Q. Where do you reside, Mr. Burton?—A. Warrior beat, Etowah County, Ala.

Q. Were you one of the election officials November 2, 1920?—A. Yes, sir; I was a clerk.

Q. Do you know Mrs. Fannie Bolden, Lewis Bolden, Dozier Bolden?—A. Yes, sir.

Q. How long had it been since they had resided in Etowah County prior to the November election?—A. They moved into Warrior beat about December 10, 1919.

Q. From where did they come?—A. Blount County.

Q. Did they vote in the November election?—A. Yes, sir.

Q. Are they Democrats or Republicans?—A. Republicans.

Q. Did you see their tickets?—A. Yes, sir; they voted the straight Republican ticket for Mr. Kennamer for Congress.

Q. Do you know Mrs. Dozier Bolden?—A. Yes, sir.

Q. Did she vote in the November election?—A. Yes, sir.

Q. How long had she resided in Warrior beat prior to the November election?—A. About 11 months.

Q. Had she resided for a year in Etowah County preceding the election?—A. No, sir.

Q. Where did she come from to Etowah County?—A. Blount County.

Q. Did she vote in the November election?—A. Yes, sir.

Q. Did she vote for Mr. Kennamer for Congress?—A. Yes, sir.

Q. Do you know Miss Hannah Carol?—A. Yes, sir.

Q. Do you know Anderson Bynum and Mrs. John Cooper?—A. Yes, sir.

Q. Did they vote in Warrior beat?—A. Yes, sir; in the November election.

Q. Did Mrs. Hannah Carol vote in Warrior beat, Etowah County, in the November election?—A. Yes, sir.

Q. For whom did Mrs. Hannah Carol, Mrs. John Cooper, and Mr. Anderson Bynum vote for Congress?—A. For Mr. Kennamer.

Q. How long had Mrs. Hannah Carol resided in Etowah County prior to the November election?—A. She lived in Blount County at the time of the election.

Q. How long had she lived in Blount County?—A. They moved to Blount County in the spring of 1920 and made a crop there.

Q. Where did Anderson Bynum live during the year preceding the November election?—A. In St. Clair County.

Q. Did his family reside with him?—A. He is a single man.

Q. Mrs. John Cooper, where did she live?—A. Blount County?

Q. Did she live in Blount County at the time of the election?—A. Yes, sir.

On cross-examination he said:

Q. The Bolden family were born and raised in Etowah County, were they not?—A. I think they were.

Q. And had not been out of Etowah County a year at the time of the election?—A. Yes, sir; over a year.

Q. Do you know when they moved to Blount?—A. I do not know exactly.

Q. Do you know what date they moved back from Etowah County from Blount?—A. They moved on or about the 10th day of December, 1919.

Q. Were their names on the certified list of qualified list of voters furnished by the probate judge of Etowah County?—A. They were.

Q. Was Hannah Carol's name on the list furnished by the probate judge?—A. Yes, sir.

Q. Anderson Bynum's family lived in Warrior beat, did they not?—A. No; they had moved to Oklahoma.

Q. Was Anderson Bynum raised in Warrior beat?—A. Yes.

Q. He had made a crop in 1920 in St. Clair County?—A. Yes, sir.

Q. Was his name on the certified list of voters from Warrior beat?—A. Yes, sir.

Q. Did Mrs. John Cooper live in Warrior beat before she moved to Blount?—A. Yes, sir.

Q. How long had she been living in Blount at the date of the election?—A. I do not know.

Q. Was her name on the certified list of voters of Warrior beat?—A. I do not know.

Q. Do you know Mrs. May Bates?—A. Yes, sir.

Q. Did she vote in the November election in Warrior beat?—A. Yes, sir.

Q. Is she reputed to be a Republican or Democrat?—A. Democrat; she voted for Mr. Sivley, a Republican, for tax collector and for Mr. Rainey for Congress.

Q. How long had she lived in Warrior beat prior to the election?—A. About 10 months.

Q. Where did she move from to Warrior beat?—A. She moved from Altoona.

Q. Don't you know that May Bates moved from Blount County to Warrior beat in Etowah County in January, 1920?—A. No; I don't know.

Q. Do you know W. L. Adkins?—A. Yes, sir.

Q. Did he vote in the November election in Warrior beat?—A. Yes, sir.

Q. Did he vote a Democratic or Republican ticket?—A. Democratic.

Q. Where does W. L. Adkins live?—A. He lives in St. Clair County now; he moved there last Tuesday.

Q. Did he not live in Calhoun County, Anniston, on the date of the election last November?—A. No, sir.

Q. How long had he been back from Anniston the date of the election?—A. I think it had been about two or three years he went over there and got down sick and stayed about three months.

Q. Did he not claim his home was in Calhoun County?—A. No, sir.

Q. Do you know of your own knowledge where he is living now?—A. His family moved to Acmar, and he is on a visit to his daughter in Anniston, and I do not know where he is now.

Q. Was his name on the certified list of voters furnished by the probate judge of Warrior beat?—A. I do not know.

On redirect examination he said:

Q. Do you know the vote that Mr. Rainey and Mr. Kennamer received in the November election last in Warrior beat?—A. Mr. Kennamer received 104 and Mr. Rainey 19.

Q. Is Altoona in Etowah County?—A. Yes, sir.

J. R. BURTON.

W. T. MURPHREE, being sworn, on behalf of the contestee testified as follows:

Q. Mr. Murphree, do you know William T. Cobb?—A. Yes, sir.

Q. What office, if any, does he hold in the State of Alabama?—A. Secretary of state.

Mr. LEE. We offer in evidence returns of the general election of November 2, 1920, relative to the votes cast in the counties of Blount, Cherokee, Cullman, Dekalb, Etowah, Marshall, and St. Clair for the Democratic and Republican nominees for elector for President and Vice President, United States Senator, Representative in Congress, and associate justice of the supreme court as certified by William P. Cobb, secretary of state of Alabama, and marked "Exhibit F," and attached hereto.

We offer in evidence the returns of the general election held November 2, 1920, relative to votes cast in the counties of Blount, Cherokee, Cullman, Dekalb, Etowah, Marshall, and St. Clair for tax assessor and tax collector, as certified by William P. Cobb, secretary of state, on the 18th day of March, 1921, which is hereto attached and marked "Exhibit G."

Q. Where do you reside, Mr. Murphree?—A. Gadsden, Ala.

Q. Do you hold any office, and state what it is?—A. Member of the legislature from Etowah County.

Q. Do you know anything at all with reference to certain State officials, county officials in the several counties of the seventh congressional district, L. B. Rainey, members of the Democratic State committee, members of the State legislature, members of the Democratic county committees, members of the Democratic campaign committee for the State and several counties, members of the board of registrars in the several counties, and divers other persons, supporters of L. B. Rainey, conspiring, confederating, and agreeing together to postpone to as late a date as possible the enactment of the law for the registration of the women of the State, and to allow as little time as possible for their registration, and then so manipulate and administer said law as to operate as much to the prejudice of supporters of Charles B. Kennamer as possible, and as much to the advantage of supporters of L. B. Rainey as possible?—A. I never heard of any such conference, agreement, or conspiracy. Perhaps I ought to state that a conference was held in Montgomery shortly after the official announcement that the nineteenth amendment had been adopted as a part of the Constitution of the United States, and before the meeting of the extra session of the legislature, at which there were present a number of members of the State legislature and senators, the governor, the attorney general, and perhaps the secretary of the Democratic State executive committee, and my recollection the chairman of the Democratic State executive committee, at which conference there was discussed plans for a speedy adoption of a change in the registration laws so as to provide for the registration of women voters as speedily as it could be done; and, so as to allow as much time as possible for the registration of these new voters, there was a tentative agreement as to some of the principal necessary features of a new registration law and an agreement that a bill embracing these plans providing for the registration of the new voters should be framed under the supervision of the attorney general, so as to have the bill ready to introduce immediately upon the convening of the extra session of the legislature called by the governor for this purpose. I never heard of any other conferences with reference to plans for the registration of women voters.

Q. Did you hear at any time, at that conference or before or since, the matters alleged in article 15 of the contest of Mr. Kennamer as just read to you?—A. No; until I saw it in the said article of contest.

Q. Did you have any conversation with the governor, the legislature, or any of the persons indicated in which the subject of the registration of either Democratic or Republican women was discussed in which any agreement was entered into that the passage of any such registration law should be delayed or deferred

for any purpose and especially for the purpose of hindering, delaying any woman from registering in this State or so as that the law would operate to the prejudice of Mr. Kennamer or his supporters and to the advantage of Mr. Rainey and his supporters?—A. No. On the contrary, such conferences as I had with any person with reference to the new registration law was with a view to giving the largest possible time and opportunities for the registration of women voters without reference to their political affiliation.

Q. Could the legislature have passed a registration law within such time after the convening of the legislature and special session as to give the registrars time to visit each voting precinct in the several counties of the State?—A. That matter was discussed at our conference, above referred to, and it was agreed that it would be impossible to pass a law in time to permit registrars to visit every precinct in every county in the State.

It was brought to our attention that Jefferson County had over 50 voting precincts. Etowah County had 34. Other counties had numbers between the two.

Q. Was the registration bill prepared under the supervision of the attorney general and introduced in the first days of the legislature?—A. It was.

Q. Was that bill passed as introduced, or was it rewritten or amended? If you say it was changed, recite the facts with reference to its passage.—A. The bill providing for the registration of new voters was introduced into the lower house of the legislature on the first day the legislature met, according to my recollection, and passed the house practically as introduced. The bill as thus passed provided for a temporary plan for the registration of voters, with the intention of leaving the law with reference to the registration of voters just as it already then existed after the November election. When the bill went to the senate there developed there some opposition to the bill as it passed the house, and it was there amended by the substitution of the rewritten bill. There developed quite a difference of opinion between the house and senate over the question, and it was some days before the bill as finally passed was agreed upon by both houses. Such delay as resulted was due solely to this disagreement.

Q. Was there Republican members of the house and senate?—A. There was several Republicans in the house and one or more in the senate.

Q. Did any Republican member call up the registration bill for passage or insist that it be passed at an earlier date than that on which it was passed?—A. There was no complaint by Republican members of the house made about the delay in the passage of the bill and, so far as I now recall, no specific objections to its provisions. I do not know what occurred in the senate.

Q. What offices, if any, did you hold in the legislature?—A. I was chairman of the judiciary committee in the house.

Cross-examination:

Q. On what date did the legislature convene for the purpose of passing the registration law?—A. September 14, 1920.

Q. Under the rules of the Alabama Legislature, what is the shortest time required in which to pass a bill?—A. A bill to pass the legislature must be read on three different days in each of the houses. It is possible to pass a law through the legislature in five days in the following manner: If the bill be introduced into the house on one day and there receive its first reading, it is then referred to a committee of the house; if that committee reports it the second day or the next day, it can receive its second reading in that house on the second day after its introduction; it then can be passed in that house on the next or third day after its introduction; if there be then a suspension of the rules, the bill can be transmitted to the other house without enrollment and receive its first reading in the second house on the third day, and be referred to a committee; if the committee reports the bill in that house on the next day, it can there receive its second reading on the fourth day after its introduction, and can be passed in that house on the fifth day after its introduction, and the bill must then be engrossed before it can be transmitted to the governor for approval.

Q. Was there anything to have prevented the legislature from passing a law that would have provided for a registrar in each precinct for the several counties?—A. Yes; the members of the two houses would not agree to any such law.

Q. Do you know why the law provided that the registration books should be closed on October 26, 1920?—A. Yes; the purpose was to give time to the sev-

eral probate judges to make up a list of the new voters for the several voting precincts, and have the list published so that the new voters might be known.

Q. About how long before the legislature assembled was the conference in Montgomery held that you speak of?—A. My recollection is that this conference I have spoken of was some 10 days or two weeks before the convening of the special session of the legislature.

Q. Was L. B. Rainey or Judge Herzberg, one or both, in that conference?—A. They were not.

Q. Was L. B. Rainey, Judge Herzberg, Judge Penn, Capt. Lay, any or either of them, in Montgomery during the time the bill was pending in the legislature?—A. My recollection that all the gentlemen named attended a meeting in Montgomery as delegates to a convention in the interest of the port of Mobile on the day the legislature met in extra session. Capt. Lay was there also on one other occasion, as I recall it, looking after some measure pending in the legislature relating to the Alabama Public Service Commission. If the other gentlemen named were there on any other day than the first day of the session, I did not know of it.

Redirect examination:

Q. Did any of the gentlemen named visit Montgomery during the legislature to discuss with members of the legislature or the governor the new registration bill and the probable effect it might have on the election to Congress in the seventh congressional district?—A. If either of them ever approached the governor or members of the legislature with reference to this matter, I never heard of it. They were there only for one day, and were attending the convention named above.

W. T. MURPHREE.

L. L. HERZBERG, a witness for contestee, who, being recalled, makes the following correction to this testimony heretofore given:

I was in Montgomery during the special session of the legislature, attending a meeting of the Alabama Waterways Improvement Association. Capt. Rainey, Judge Penn, Dr. Brandon, Capt. Lay, and Mr. Vance accompanied me. We had no conference with the governor or the legislature. The meeting of the Alabama Waterways Improvement Association was called in the interest of an amendment to the constitution for the port of Mobile, and our visit had nothing to do with politics.

L. L. HERZBERG.

J. P. MAISE, being sworn on behalf of the contestee, testified as follows:

Q. Where do you live?—A. Reese beat, Etowah County.

Q. Were you one of the election officials in the November election 1920?—A. Yes; I was one of the clerks.

Q. Do you know Coon Scarborough and R. E. Scarborough?—A. Yes, sir.

Q. Did they vote in the November election 1920?—A. Yes, sir.

Q. Are they Republicans or Democrats?—A. They claim to be Republicans and talk that way.

Q. Did you see the ticket they voted?—A. No, sir.

Q. Do you know of your own knowledge whether they voted for Capt. Rainey or Mr. Kennamer?—A. No, sir; only their talk.

Q. Was the majority of the election officials at that election Democrats?—A. There was one majority for the Democrats.

Q. Were the Scarboroughs' names on the certified list of voters furnished to that precinct by the probate judge?—A. I don't know.

Q. Was their votes challenged by anyone?—A. No, sir.

On redirect he said:

Q. Did you hear the Scarboroughs say how they were going to vote?—A. They said they were going to vote for Mr. Kennamer.

J. P. MAISE.

STATE OF ALABAMA,

County of Etowah:

I, George D. Motley, jr., in and for said State and county and duly authorized by L. B. Rainey, contestee, to take deposition of witnesses in his behalf, wherein C. B. Kennamer, contestant, is contesting the certified election of

L. B. Rainey, contestee, to the Sixty-seventh Congress of the United States of America from the seventh congressional district of Alabama, said election in said district having been held on the 2d day of November, 1920, hereby certify that I have caused to come before me at the times and places mentioned in this certificate, and mentioned in the notice attached to the depositions, for the purpose of giving evidence in behalf of L. B. Rainey, contestant, the following witnesses, to-wit:

J. B. Childres, Attalla, Ala., at courthouse, Gadsden, Ala.
 Alce Burns, Phillips beat, at courthouse, Gadsden, Ala.
 L. L. Herzberg, Gadsden, Ala., at courthouse, Gadsden, Ala.
 W. F. Jeffers, Glencoe, Ala., at courthouse, Gadsden, Ala.
 W. T. Chumley, Duck Springs beat, at courthouse, Gadsden, Ala.
 R. L. Turner, Chandler beat, at courthouse, Gadsden, Ala.
 E. P. Spradlin, Chandler beat, at courthouse, Gadsden, Ala.
 R. R. Yates, Gilberts beat, at courthouse, Gadsden, Ala.
 Miss Ramah Yates, Gilberts beat, at courthouse, Gadsden, Ala.
 W. G. Morton, Chandler beat, at courthouse, Gadsden, Ala.
 John D. Scarborough, Resse beat, at courthouse, Gadsden, Ala.
 J. R. Burton, Warrior beat, at courthouse, Gadsden, Ala.
 W. T. Murphree, Gadsden, Ala., at courthouse, Gadsden, Ala.
 L. L. Herzberg, Gadsden, recalled, at courthouse, Gadsden, Ala.
 J. P. Maise, Reese beat, at courthouse, Gadsden, Ala.

The aforesaid witnesses were sworn to speak the truth, and all relevant questions propounded to them by the contestee and contestant and their answers thereto, as near as may be, were taken down by me in their presence and read over to the witnesses, who signed the same in my presence as their true evidence on said examination; the foregoing record, depositions from 1 to 44 pages, inclusive, contains the depositions of the aforesaid witnesses complete. And I certify that at the examination of each of the aforesaid witnesses counsel for contestant was present and examined, or had the opportunity of examining, on cross, said witnesses.

I further certify that I am neither of counsel nor of kin to L. B. Rainey, contestee, or C. B. Kennamer, contestant, and that I have conducted the examination of the aforesaid witnesses fairly and according to law, to the best of my ability.

Given under my hand and seal this 26th day of March, 1921.

GEORGE D. MOTLEY, Jr.,

Justice of Peace, Commissioner for L. B. Rainey, Contestee.

EXHIBIT F.

THE STATE OF ALABAMA,

Department of State:

I, William P. Cobb, secretary of state, do hereby certify that the pages hereto attached contain a true, accurate, and literal copy of that part of the returns of the general election, held November 2, 1920, relative to vote cast in the counties of Blount, Cherokee, Cullman, Dekalb, Etowah, Marshall, and St. Clair for the Democratic and Republican nominees for the following offices, to wit, elector for President and Vice President (being first names appearing on ticket), United States Senator, Representative in Congress, and associate justice of the supreme court, as the same appears on file and of record in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State, at the capitol, in the city of Montgomery, this 14th day of March, 1921.

[SEAL.]

WM. P. COBB,
Secretary of State.

Counties.	Elector for President and Vice President.		United States Senator.		Representative in Congress.		Associate justice of supreme court.			
	Democrat.	Republican.	Democrat.	Republican.	Democrat.	Republican.	Miller, Democrat.	Alexander, Republican.	Thomas, Democrat.	Sloan, Republican.
Blount.....	3,534	3,465	3,523	3,377	3,539	3,389	3,538	3,369	3,446	3,348
Cherokee.....	1,969	1,576	2,016	1,451	1,975	1,546	2,013	1,417	2,002	1,409
Cullman.....	2,566	3,492	2,778	3,239	2,608	3,438	2,616	3,326	2,592	3,131
Dekalb.....	3,894	4,852	3,868	4,820	3,920	4,859	3,904	4,821	3,906	4,814
Etowah.....	5,917	3,218	5,630	3,254	5,655	3,279	5,640	3,248	5,638	3,251
Marshall.....	4,041	3,879	4,043	3,824	4,030	3,904	4,119	3,822	4,016	3,843
St. Clair.....	1,934	2,561	1,924	2,566	1,982	2,555	1,983	2,529	1,986	2,530
Total.....	23,855	23,043	23,782	22,531	23,709	22,970	23,813	22,532	23,587	22,511

EXHIBIT G.

THE STATE OF ALABAMA,
Department of State.

I, William P. Cobb, secretary of state, do hereby certify that the pages hereto attached contain a true, accurate, and literal copy of that part of the returns of the general election held November 2, 1920, relative to vote cast in the counties of Blount, Cherokee, Cullman, Dekalb, Etowah, Marshall, and St. Clair for the following offices, to wit, tax assessor and tax collector, as the same appears on file and of record in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State, at the capitol, in the city of Montgomery, this 18th day of March, 1921.

[SEAL.]

WM. P. COBB,
Secretary of State.

Counties.	FOR TAX ASSESSOR.			
	Democrat.	Votes.	Republican.	Votes.
Blount.....	Ernest Harman.....	3,540	Paul Goddard.....	3,350
Cherokee.....	J. H. Scroggin.....	2,216	A. E. McCurry.....	1,359
Cullman.....	W. R. Nigg.....	2,716	E. E. Matthews.....	3,347
Dekalb.....	P. C. Hale.....	4,020	G. O. Durham.....	4,785
Etowah.....	M. B. McCartney.....	5,668	Fred Smith.....	3,152
Marshall.....	H. R. Irby.....	4,114	I. W. Dowdy.....	3,814
St. Clair.....	F. M. Morris.....	2,120	Chas. D. Gray.....	2,427

Counties.	FOR TAX COLLECTOR.			
	Democrat.	Votes.	Republican.	Votes.
Blount.....	E. N. Blackwood.....	3,554	R. W. Buckner.....	3,391
Cherokee.....	A. B. Miller.....	2,179	W. M. Brock.....	1,368
Cullman.....	G. L. Patrick.....	2,788	Lee Cochran.....	3,275
Dekalb.....	J. J. Tolbert.....	3,942	John Gravitt.....	4,840
Etowah.....	A. L. Crump.....	5,694	J. D. Silvey.....	3,194
Marshall.....	W. T. Solley.....	4,205	A. J. Roberts.....	3,737
St. Clair.....	W. W. McKinney.....	2,120	C. D. Adkins.....	2,434

STATE OF ALABAMA, *Cullman County, ss:*

I, Fred E. James, a notary public in and for said State and county and duly authorized by L. B. Rainey, contestee, to take deposition of witnesses in his behalf, wherein C. B. Kennamer, contestant, is contesting the certified election of L. B. Rainey, contestee, to the Sixty-seventh Congress of the United States of America, from the seventh congressional district of Alabama,

said election in said district having been held on the 2d day of November, 1920, hereby certify that I have caused to come before me at the time and place mentioned in this certificate and mentioned in the notice attached to the depositions, for the purpose of giving evidence of L. B. Rainey, contestee, the following witnesses, to wit:

Miss Ruth Wilbanks, J. K. Turner, E. M. Carroll, Paine Denson, Cullman, Cullman County, Ala.; Frank Patrick, Vinemont, R. F. D. No. 2, Cullman County, Ala.; J. L. M. Collier, R. A. Glasscock, Cullman, R. F. D. No. 3, Cullman County, Ala.

NOTICE TO TAKE DEPOSITIONS.

To C. B. KENNAMER, Esq.:

Take notice that it is the intention of L. B. Rainey, contestee, to examine the witnesses mentioned in this notice, at Cullman, Cullman County, Ala., on Monday, March 14, 1921, at the courthouse in Cullman, Cullman County, Ala., and from day to day thereafter.

The names and addresses of the witnesses are as follows, to wit: D. V. Smith, J. K. Turner, Miss Ruth Wilbanks, Paine Denson, T. J. Callahan, sr., E. M. Carroll, all of Cullman, Cullman County, Ala.; Frank Patrick, Vinemont, route 2, Cullman County, Ala.; John Smith, Paul Walker, J. L. M. Collier, R. A. Glasscock, and Mrs. John Henry Glasscock, Cullman, route 3, Cullman County, Ala.

ALTO V. LEE,
Attorney for Contestee.

I, Alto V. Lee, attorney for L. B. Rainey, hereby certify that I executed the foregoing notice by leaving a copy of same with Thos. H. Stephens, attorney for Charles B. Kennamer on this the 11th day of March, 1921.

ALTO V. LEE,
Attorney for Contestee.

Depositions of witnesses examined for contestee before Fred E. James, notary public and duly authorized commissioner to take testimony for said contestee, at Cullman, Ala., March 14, 1921, contestee being represented at the taking of said testimony by Paine Denson, Wave Scott, and W. E. James and contestant represented by himself in person.

The following witnesses, being duly cautioned and sworn to tell the truth, testified:

Miss RUTH WILBANKS, examined for contestee, testifies as follows:

Q. You live in this county, Miss Ruth?—A. Yes.

Q. And a registered voter?—A. Yes.

Q. Were you one of the registrars in Cullman County for the registration of voters in October, prior to the general election held on November 2, 1920?—A. I was.

Q. Did you serve throughout that registration period?—A. From and after October 12, from the time I was appointed.

Q. Were you familiar with the efforts made to advertise the places that the registrars would be in the several precincts of the county for the registration of voters, and the dates thereof?—A. Yes.

Q. State whether or not the registrars were diligent in advertising their several appointments.

(Contestant objects.)

A. Yes.

Q. What efforts were made to advertise the appointments?—A. They were advertised in the county papers and also by posters being mailed out over the county.

Q. Were any dodgers handed to any leaders of both parties with instructions to distribute them?—A. I think so.

Q. You have been working for Mr. Kilpatrick during the past year and you work for him now?—A. I do.

Q. Did you work for him during the time you served as registrar?—A. I helped some at night with the work.

Q. That was his office work and had nothing to do with the campaign?—A. Yes.

Q. Was any partiality shown in the registration of voters, and did Democrats and Republicans register alike when qualified?

(Contestant objects.)

A. There was no partiality shown, and everybody who made application were registered who were qualified to register.

Q. Did Mr. Kilpatrick pay you for services during the time you acted as one of the registrars?—A. He did not.

Cross-examination :

Q. What official position did Mr. Kilpatrick have in the Democratic organization of Cullman County or the campaign committee of Capt. L. B. Rainey?—A. He was chairman of the Democratic executive committee of Cullman County, and so far as I know he had nothing to do with the campaign of Mr. Rainey.

Q. This registration was going on during the closing days of the campaign last fall?—A. It was.

Q. As chairman of the Democratic executive committee of Cullman County Mr. Kilpatrick was taking a very active part in the interest of the Democratic nominee, was he not?—A. Nothing more so than he was accustomed to doing for the Democratic Party.

Q. Is he accustomed to being very active for the Democratic Party?

(Contestee objects.)

A. I must say he is a very good Democrat and always does what he can for the party.

Q. In the campaign last fall Mr. Kilpatrick, as chairman of the executive committee, was in charge of and director of the Democratic campaign of Cullman County?—A. I don't think he directed the campaign.

Q. Could you tell me who did direct the campaign of Cullman County?—A. I do not know.

Q. During that time Mr. Kilpatrick was doing considerable political work, usual work in the evenings and mornings in Mr. Kilpatrick's office?—A. I did not.

Q. About how much each day would you work in Mr. Kilpatrick's office?—A. Possibly two or three days during the registration I would help him at night.

Q. During that time Mr. Kilpatrick was doing considerable political work such as mailing out letters and handing out literature?—A. I could not say about that; I did not do it for him.

Q. Mr. Kilpatrick, as chairman of the Cullman County Democratic executive committee, recommended you to the governor of Alabama for appointment as one of the registrars of Cullman County?—A. He did.

Q. When the board of registrars made up their list of appointments for the registration of voters of Cullman County, they had the list published on posters, did they not?—A. They did.

Q. Those posters were sent broadcast over the county?—A. They were tried to be distributed.

Q. After the first bunch of posters were printed and sent out, did not the registrars change the list of appointments and make up a new and different list?—A. They did, but it was on account of not having a copy of the law when the first list was made out; they had planned to make every beat in the county, but when the copy of the law came it was not possible to do this.

Q. You had received your appointment when the first list was made?—A. I had not.

Q. Had you been appointed?—A. Not when the first list was made, I had not.

Q. Was your name printed on the first list as one of the registrars of Cullman County?—A. It was not.

Q. Do you know whose name was printed on the first notice and by whose authority it was printed and circulated?—A. J. K. Turner, Paine Denson, and D. V. Smith from the appointment of the governor of Alabama as registrars.

Q. Was these gentlemen registrars of the county at that time?—A. They were.

Q. Appointed under the new registration law enacted at the special session of the legislature last fall?—A. Yes.

Q. Were they all three Democrats?

(Contestee objects.)

A. I think so or they would not have been appointed by the governor of Alabama.

Q. After these first notices were sent out, did one of these gentlemen resign and was you then appointed to fill the vacancy?—A. Mr. Denson resigned and I was appointed to fill his place.

Q. You are a very ardent Democrat, are you not?—A. I certainly am.

Q. The appointments made by the first board and published throughout the county was not filled by the board?—A. They were not.

Q. Could you tell us how many days elapsed between the publication of first notices and the second notices?—A. The first notice was published on the 7th of October, 1920, and the second was published on October 14, 1920, but in the meantime, the posters were published and mailed throughout the county before the notice of the second appointment appeared in the papers.

Q. Have you copy of each of the notices sent out during the advertising of the registration?—A. They are in the paper; yes.

I hereto attach as Exhibit A to my deposition the notice of registration in Cullman County, Ala., appearing in the Cullman Tribune under date of October 7, 1920, together with the dates thereof.

I hereto attach as Exhibit B to my deposition such notice in such paper appearing under date of October 14, 1920, together with the date thereof.

I hereto attach as Exhibit C to my deposition a copy of the posters sent out of the second list of appointments of the registration of voters of Cullman County, Ala., which is the same list of appointments appearing in the Cullman Tribune under date of October 14, 1920, as shown by Exhibit B hereto.

Q. Did you go with the other members of the board to all of the appointments published in the second notice?

(Contestee objects.)

A. I did not.

Q. Could you tell us how many of the appointments you did attend?—A. I am not positive, but I believe all except three.

Q. During the time the registrars were advertised at the courthouse from October 19 to October 26, inclusive, did you register voters at other places than the courthouse or was you present when other members of the board made such registration.

(Contestee objects.)

A. I was at the courthouse during the time the law required us to stay here.

Q. Have you any knowledge of any registration being made during this time, October 19 to October 26, or any list of names being procured for registration at any other places than here in the courthouse in the town of Cullman?—A. I didn't see them go any place and I have no knowledge of any names being secured for registration.

Q. Other members of the board during that time informed you that they were making registrations at appointments out from the courthouse, did they not?

(Contestee objects.)

A. I don't remember that they informed me.

Q. Did you not yourself register some ladies in the town of Cullman at their home or places of business away from the courthouse during this registration?—A. Not that I remember of I didn't. I am sure I didn't.

Redirect examination:

Q. He asked you about Mr. Kilpatrick's activity as chairman of the Democratic executive committee of Cullman County, now I ask if he were fair and honest in his efforts?—A. He certainly was fair.

Q. While you were acting as one of the registrars state whether or not Mr. Kilpatrick urged that no partiality be shown in the registration of the Democrats and Republicans on numerous occasions?—A. He did; he always urged that we be fair with the registration and register all alike.

Q. State whether or not any voter was registered after October 26, as required by the law?—A. There were not.

Q. The copy of the law you refer to under which the registration was conducted, state whether or not it is the act under which the voters were registered and to which you refer is the act appearing on page 124 and the following of the general and local acts of the special session of the Legislature of Alabama of 1920?—A. It is.

(That act is referred to and hereby made a part of witness' testimony.)

Q. Do you know when the registration supplies, books, form blanks were received by the registrars from the probate judge of Cullman County?—A. My recollection is they were received on Monday morning, October 12.

Q. Was that the same day you received your appointment?—A. Yes; I received my appointment in the afternoon.

RUTH WILBANKS.

EXHIBIT A TO DEPOSITION OF RUTH WILBANKS.

[Notice appearing in Cullman Tribune, Oct. 7, 1920.]

WOMEN TO REGISTER DURING THIS MONTH.

Notice is hereby given to all women and men who desire to register as voters to meet the registrars at the following times and places for the purpose of registering: hours, from 8 a. m. to 4 p. m.:

Cullman beat No. 1, at courthouse and Kilpatrick Building continuously from October 8 to 26, inclusive.

Hanceville beat No. 3, Tuesday and Wednesday, October 12 and 13.

Garden City beat No. 4, Wednesday, October 13.

Berlin beat No. 23 and Good Hope beat No. 2, Thursday, October 14.

Kings beat No. 19 and Bradford beat No. 13, Friday, October 15.

Vinemont beat No. 18 and Welti beat No. 25, Saturday, October 16.

Walter beat No. 24 and Logan beat No. 14, Monday, October 18.

Baileyton beat No. 26 and Bremen beat No. 10, Tuesday, October 19.

Joppa beat No. 21 and Arkadelphia beat No. 7, Wednesday, October 20.

Trimble beat No. 11 and Antioch beat No. 8, Thursday, October 21.

Stouts Mountain beat No. 5 and Crane Hill beat No. 12, Friday, October 22.

Ebenezer beat No. 17 and Holly Pond beat No. 22, Saturday, October 23.

Gamble beat No. 6 and Jones Chapel beat No. 15, Monday, October 25.

Cold Springs beat No. 9 and Willow Springs beat No. 16, Tuesday, October 26.

NOTE.—Applicants may register at most convenient places irrespective of beat lines, and any who may desire can register at Cullman from October 8 to 26, inclusive.

J. K. TURNER,

Chairman.

PAINE DENSON,

D. V. SMITH,

Registrars.

EXHIBIT B TO DEPOSITION OF RUTH WILBANKS.

[Notice appearing in Cullman Tribune, Oct. 14, 1920.]

NOTICE—WOMEN MAY REGISTER.

All women and men entitled to register will meet the registrars at the following places and following dates:

Hanceville, October 12, 8 a. m. to 2 p. m.

Garden City, October 12, 2 p. m. to 5 p. m.

Baileyton, October 13, 8 a. m. to 12 noon.

Joppa, October 13, 1 p. m. to 5 p. m.

Walter, October 14, 8 a. m. to 12 noon.

Holly Pond, October 14, 1 p. m. to 5 p. m.

Bremen, October 15, 8 a. m. to 12 noon.

Arkadelphia, October 15, 1 p. m. to 5 p. m.

Ebenezer, October 16, 8 a. m. to 12 noon.

Jones Chapel, October 16, 1 p. m. to 5 p. m.

Trimble, October 18, 8 a. m. to 12 noon.

Crane Hill, October 18, 1 p. m. to 5 p. m.

Courthouse, October 19 to 26, inclusive.

Due to limited time, the registrars can not go to every precincts as advertised. We can only make the points named above. All parties entitled to register can meet the registrars at either of the places named above most convenient to them.

The registrars are required to spend from October 19 to October 26, inclusive at the courthouse, and all parties not able to be at the places named above can register at the courthouse on either of these days.

J. K. TURNER, *Chairman.*

D. V. SMITH,

MISS RUTH WILBANKS,

Registrars.

EXHIBIT C TO DEPOSITION OF RUTH WILBANKS.

[Poster.]

NOTICE—WOMEN MAY REGISTER.

All women and men entitled to register will meet the registrars at the following places and following dates:

Hanceville, October 12, 8 a. m. to 2 p. m.
 Garden City, October 12, 2 p. m. to 5 p. m.
 Baileyton, October 13, 8 a. m. to 12 noon.
 Joppa, October 13, 1 p. m. to 5 p. m.
 Walter, October 14, 8 a. m. to 12 noon.
 Holly Pond, October 14, 1 p. m. to 5 p. m.
 Bremen, October 15, 8 a. m. to 12 noon.
 Arkadelphia, October 15, 1 p. m. to 5 p. m.
 Ebenezer, October 16, 8 a. m. to 12 noon.
 Jones Chapel, October 16, 1 p. m. to 5 p. m.
 Trimble, October 18, 8 a. m. to 12 noon.
 Crane Hill, October 18, 1 p. m. to 5 p. m.
 Courthouse, October 19 to 26, inclusive.

Due to limited time the registrars can not go to every precinct as advertised. We can only make the points named above. All parties entitled to register can meet the registrars at either of the places named above most convenient to them.

The registrars are required to spend from October 19 to October 26, inclusive, at the courthouse, and all parties not able to be at the places named above can register at the courthouse on either of these days.

J. K. TURNER, *Chairman*.
 D. V. SMITH.
 PAINE DENSON.

J. K. TURNER, examined for contestee, testifies:

Q. Are you one of the registrars of Cullman County, Ala.?—A. I was.

Q. When were you appointed?—A. Last October, 1920.

Q. You remember the day in October when you were appointed?—A. No, sir; I do not.

Q. It was soon after the act approved October 2, 1920, was passed that you were appointed, was it not?—A. Yes, sir.

Q. Who were the other two appointed at the same time, if you know, for Cullman County, Ala.?—A. Mr. A. A. Rollo and Mr. Frank Gladney.

Q. Did they accept the appointment?—A. No, sir.

Q. Who were appointed in their place, if you know?—A. Mr. D. V. Smith and Mr. Paine Denson.

Q. Did they qualify and accept their appointment?—A. Yes, sir.

Q. Had the first list of appointments been published before or after you received a copy of the law and the necessary blank forms, books, stationery, etc., for the registration of voters of Cullman County, Ala.?—A. Before that time.

Q. What was the reason that the first-list appointments was not kept by the registrars of Cullman County, Ala., if you know?—A. Our supplies had not come in and we did not have a copy of the law.

Q. After you received a copy of the law and the necessary supplies to register voters in Cullman County, Ala., what, if anything, did the registrars do to advertise the second list of appointments, shown by Exhibits B and C to the deposition of Miss Ruth Wilbanks?—A. We had it published in the paper and posters printed, sent out through the county. I taken it upon myself and left them in the stores myself.

Q. Did you have a conversation with Mr. Chris Scheuing about that time on the streets of Cullman wherein you showed him one of these posters and told him to get their Republican women out to register, or anything in substance to that effect?—A. My recollection that I distributed them throughout the town. I can't say that I had a conversation with C. C. Scheuing about it.

Q. Did you stick up any of these notices on posts throughout the town of Cullman?—A. I did.

Q. Did you mail any of these posters out over the county?—A. No, sir; I did not.

Q. Do you know whether any were mailed out?—A. Mr. J. M. Kilpatrick told me he would mail them out.

Q. Did you and D. V. Smith, one of the board of registrars, go to Berlin to register some voters one night at the house of R. A. Glasscock?—A. We did.

Q. Did you register any voters at that time who resided outside of that beat at that time and place?—A. I think not.

Q. What notice, if any, was given of that appointment?—A. Mr. R. A. Davenport asked us if we would come out there and we agreed to go, and he was to let the voters know.

Q. Did you register Republicans as well as Democrats out there at that time?—A. I did.

Q. While you were out there did Mr. C. C. Scheuing, one of the Republican leaders of Cullman County, Ala., and a candidate for coroner for Cullman County, Ala., at that time, together with one Mr. T. A. Walton, come to Mr. Glasscock's house through the kitchen door while you were registering voters?—A. We did.

Q. Did they, or either of them, request you and Mr. Smith to go to a Republican rally at Vinemont, Ala., where contestant was making a speech that night for the purpose of registering voters at that place?—A. They did.

Q. Did you and Mr. Smith go?—A. Yes, sir.

Q. Did you get to Vinemont before the speaking broke up, and was your presence and purpose announced there?—A. We got there before they broke up and our presence and purpose was announced there.

Q. Did anyone present themselves for registration there?—A. They did not.

Q. Was the request made of you, or either of you, to go to any houses around Vinemont and register Republican women?—A. They were.

Q. Did you go, and if so, what places with what results?—A. We went to two houses, with no results; I can't say who lived there.

Q. Did you go where you was told to go?—A. We did.

Q. Was anybody home at either place?—A. They were not.

Q. Did you ever register any Republican women outside of the regular time and place by appointment or at the courthouse?—A. I did.

Q. How many and who were they?—A. Mrs. Nic Ruehl, Mrs. Joseph Yeager, both Republicans.

Q. Did you register them at their homes?—A. I did.

Cross-examination:

Q. You was chairman of the board of registration of Cullman County last fall?—A. Yes, sir.

Q. During the time from October 10 to October 26, the time you was advertised to make registration at the courthouse in Cullman County, how many other places did you go to for the purpose of making registration of voters?—A. My recollection, something like three places.

Q. Name the places.—A. Mr. Ryan Glasscock's, near Berlin, at Welti, my recollection we registered a few here in town.

Q. Do you know how many registered at Mr. Glasscock's?—A. My recollection is 23.

Q. Name the Republicans you remember to have registered at Mr. Glasscock's.—A. I made no inquiry whatsoever; we registered them as they came.

Q. Could you swear, Mr. Turner, that you registered a single Republican at the registration at Mr. Glasscock's?—A. No, sir; I could not.

Q. Is it your information that Mr. R. A. Glasscock is a Democrat or Republican?—A. He is a Democrat.

Q. Do you know the politics of Mr. R. A. Davenport?
(Contestee objects.)

A. He is a Democrat.

Q. Is it not a fact, Mr. Turner, that Mr. R. A. Davenport was taking an active part in behalf of the Democratic Party in the campaign last fall?—A. No more than he usually takes.

Q. He usually takes an active interest in Democratic politics?

(Contestee objects.)

A. Yes, sir; he does.

Q. So far as you know of your own knowledge, no other person in the community where this registration was held at night at Mr. Glasscock's had been notified of your coming except Mr. Davenport?—A. I do not.

Q. You talked with Mr. Davenport about coming out to Mr. Glasscock's to this appointment before you went out there, did you not?—A. I did.

Q. Is it not a fact, Mr. Turner, that Mr. Davenport told you that in substance or in effect that if the board of registrars would come to that appointment quite a number of Democratic women could there be assembled and registered?—A. He told me that there was a good many lady voters that was not able to come to the courthouse and register, and asked us if we would come out there and register them.

Q. Would you say, Mr. Turner, that in that conversation with Mr. Davenport about this appointment that there was nothing said in substance that such registration would be advantageous to the Democratic Party or its nominees?—A. I have no recollection of that conversation.

Q. You would not say that something of that kind was said or discussed?—A. I would not.

Q. At whose request did you go to the other appointments at Welti?—A. I don't remember whose it was.

Q. Did you know how many voters you registered at that appointment?—A. I do not.

Q. Could you give us approximately the number?—A. Possibly near 30.

Q. At that appointment, do you know whether you registered a single Republican voter?—A. I don't know whether they were Republicans or Democrats.

Q. At whose house did you make that registration?—A. At the public-school house.

Q. In the daytime or at night?—A. Night.

Q. Welti is in a Democratic precinct in Cullman County, is it not, Mr. Turner?—A. I think that they are pretty equally divided out there.

Q. Who went with you and the other member of the board from the town of Cullman to this appointment at Welti?—A. No one at all.

Q. Who furnished the conveyance to go out there?—A. I furnished it myself.

Q. No published notice in the way of newspaper advertising or posters was given of either of these appointments at Mr. Glasscock's or at Welti, was there, Mr. Turner?—A. They was not; only word was sent out that we would be there.

Q. Are you sure, Mr. Turner, that these are the only two regular appointments the board made and filled away from the courthouse at Cullman during the period of the registration at the courthouse?—A. They were, except the trip we made to Vinemont.

Q. About what time did you get out to Mr. Glasscock's to that appointment?—A. My recollection, about 7 o'clock.

Q. About what time did Mr. Scheuing and Mr. A. Walton turn up there?—A. Something like half past 7.

Q. What time did you all leave Mr. Glasscock's?—A. Something near 8 or 8.15.

Q. About how far is it from Mr. Glasscock's to Vinemont?—A. About 11 miles.

Q. You made no registration anywhere, anytime, after you left Mr. Glasscock's?—A. We did not.

Q. That was the last night of the legal registration period?—A. It was.

Q. Could you give us approximately the number of registrations you made in the city of Cullman at the homes or places of business and away from the courthouse during the registration period advertised for the courthouse?—A. My recollection is 7.

Q. You mean by that registration that you yourself made?—A. I made them myself.

Q. Was any other member of the board present when you made these registrations?—A. They were not.

Q. Do you know whether other members of the board made like registrations during this period?—A. I do not.

Q. Did you yourself make such registrations out away from the city of Cullman during this time?—A. Five of these were in the town and two were out of town.

Q. At whose request did you register Mrs. Ruehl and Mrs. Yeager, the two Republicans you mentioned?—A. Mr. Ruehl.

Q. You are a Democrat, are you not, Mr. Turner?—A. I am.

Q. Your appointment as one of the registrars of Cullman County was recommended by Mr. Kilpatrick, the chairman of the Democratic executive committee, was it not?—A. My understanding it was.

(Contestee objects to answer.)

Q. You signed and authorized the publication of the first notice of registrars appointments in Cullman County published in the Cullman Tribune, October 7, did you not?—A. I did.

Q. Those appointments were not filled?—A. They were not.

Redirect examination:

Q. Do you know whether you registered Republican or Democratic women at Mr. Glasscock's residence?—A. I do not.

Q. Did Mr. Scheuing tell you in substance or effect at Mr. Glasscock's residence that he wanted you to go to Vinemont and register some Republican women?—A. He did.

Q. Is the probate judge of Cullman County, Ala., through whom the registration supplies, coming from the secretary of state of Alabama, are distributed, a Republican or a Democrat?—A. He is a Republican.

Q. Before and after the first list of appointments was published, did you request the probate judge of Cullman County to furnish these supplies; and if so, how many times?—A. I went to him on several occasions in regards to supplies, before and after the publication of the first list of appointments.

Q. Did you get these supplies; and if so, when?—A. I got them on Monday, after the first notice was published, on the preceding Thursday.

Q. You know what the political complexion of Baileyton is, judging from the last general election, and also of Joppa, Bremen, Trimble, Crane Hill, and Vinemont?—A. About 75 per cent.

Q. Have these beats before the last general election been considered Republican beats in this county?—A. I think so. This is my best judgment.

Q. Did the board of registrars visit these beats in accordance with the last published list of appointments?—A. We did.

Q. Do you know whether these five people who registered in the city of Cullman at their homes were Democrats or Republicans?—A. I do not.

Recross-examination:

Q. Mr. Turner, you speak of making inquiries of the probate judge, who is a Republican, about these registration supplies. Is it not a fact that all these supplies had to come from the Democratic secretary of state of Alabama to the probate judge before he could deliver such supplies to the board of registrars?—A. I did not know it.

Q. D'd not the probate judge so inform you at the time?—A. He did not. He told me they might come to me.

Q. You did know and understand at the time that the probate judge had nothing to do with having printed or furnishing these supplies more than to simply deliver them to the board when he received them?—A. I did not know it.

Q. At the time you made these inquiries of the probate judge he informed you that he himself had not been furnished such supplies, did he not?—A. He did.

Q. Did he not also tell you or inform you that so soon as he received them, if he did receive them, he would deliver them to the board?—A. My recollection, he did.

Q. A good many precincts and localities in Cullman County, Ala., voted Republican in the recent election that have heretofore been normally Democratic, did they not?—A. I don't know that they did.

Q. Mr. Turner, do you not know that Crane Hill, in Cullman County, had prior to the recent election been usually Democratic?—A. I don't know that it was.

Q. At most of the appointments on your round of the county, under the second notice given, there was rather small crowds met you at such appointments, d'd they not?—A. Very large at some places.

Q. That is particularly true as to Hanceville, is it not?—A. Very few at Hanceville.

Q. How was the attendance at Walter?—A. Very few out.

Q. The attendance was much better in the Republican stronghold, was it?—A. Seemed to be.

Q. Do you know how many registrations you made in all during the registration in October, 1920, in Cullman County?—A. I couldn't give the exact figure; about 2,750 registered.

Q. In your best judgment, Mr. Turner, about how many of these registered while you were making your round and about how many registered at the courthouse at Cullman?—A. There was something like 2,000 registered here at the courthouse, then something like 750 while I was making my rounds.

Q. Seventy-five to eighty per cent of the population of Cullman County live outside of the town of Cullman, does it not, Mr. Turner?—A. I suppose so; something near that.

Re-redirect examination:

Q. Cullman County went Republican by a much larger majority in the election last fall than it has ever gone before, did it not?—A. It did.

J. K. TURNER.

E. M. CARROLL testified for contestee as follows:

Q. Did you vote in Cullman County on November 2 last, Mr. Carroll?—A. I did.

Q. Which ticket did you vote, Democratic or Republican?—A. Republican.

Q. When did you move to Cullman County, and from where?—A. I moved from Carroll County, Ga. I began October 15, 1918, and I wound up November 14 of that year.

Q. Is that your registration certificate?—A. It is.

Q. When did you register?—A. Ninth day of December, 1919.

Q. When did you bring your family over here?—A. November 15, 1918. I came through the country and got here November 14. I made four or five trips through the country.

Cross-examination:

Q. Before the 1st of November, 1918, had you come to Cullman County, Ala., yourself in person and bought land and secured a house and made your arrangements to move?—A. I did.

Q. Did you, in fact, move some of your property to this county before November 1, 1918?—A. Yes.

Redirect examination:

Q. Your wife and children and all of your household goods were not here until about November 14 or 15, 1918?—A. My wife and children came on the 15th of November, 1918, and brought some baggage with them.

Q. Did you move into that house on the farm you bought on that date?—A. I could not get possession and moved into a house here in town and lived in it two weeks before I moved into my house on the farm I bought.

Q. You registered after you had been here just a little over one year and voted before you and your family had been here together two years?—A. I did.

Q. What time did your household goods get here?—A. November 14, 1918; same day I got here.

Q. They challenged your vote when you voted in the general election, 1920?—A. They did.

Recross-examination:

Q. You first came to Cullman County, Ala., in August, 1918?—A. Yes, sir.

Q. Did you come here at that time with intention and purpose of taking up your residence in this county and making it your place of abode?

(Contestee objects.)

A. I did; I bought a farm.

Q. From the day you bought that farm, in August or September, 1918, did you make Cullman County, Ala., your place of residence and abode?

(Contestee objects.)

A. I did.

Q. Was it your bona fide purpose and intention to live in Cullman County, Ala., from the time you came here and purchased the farm in 1918?

(Contestee objects.)

A. It certainly was.

Re-redirect examination:

Q. When did you last vote in Georgia?—A. Every time that they had an election as long as I stayed there.

Q. Your place of residence and family was in Georgia until after you came out here on November 1, 1918?—A. Yes, sir.

Q. And you did not land here until November 14 and 15, as you before stated?—A. I did not.

E. M. CARROLL.

Just at this point the taking of the testimony is adjourned until 1.30 p. m. of this date.

On account of the sudden death of J. M. James, the father of William E. James, of counsel in this cause, and Fred E. James, the commissioner, taking the testimony herein, this cause is continued by agreement until 10 a. m., Monday, March 21, 1921.

MONDAY, MARCH 21, 1921.

This being the day for the further examination of witnesses by contestee in this cause, and PAINE DENSON being called, testified as follows:

Q. Where do you live?—A. In the city and county of Cullman, Ala.

Q. What ticket, if any, did you vote in the general election November, 1920?—A. Democratic ticket, straight.

Q. Were you appointed one of the registrars of Cullman County, Ala., by the governor of Alabama in the year 1920; and if so, when and what period did you serve as such?—A. I was appointed—don't remember the exact date, but it was about the 6th or 7th of October, 1920, and served one day as a member of the board, which was October the 11th.

Q. Did you resign; and if so, who was appointd to succeed you, if you know?—A. I resigned and Miss Ruth Wilbanks was appointed as my successor.

Q. At the time that you resigned had the board of registrars of Cullman County, Ala., obtained through the probate judge of Cullman County from the proper State official the books, blanks, and other stationery necessary for the registration of the voters of Cullman County, Ala?—A. We received the supplies on the morning of the day that I resigned.

Q. Had you received at that time a copy of the act of the Legislature of Alabama approved October 2, 1920, providing for the registration of the voters of Alabama?—A. Not from the probate judge, but Mr. Kilpatrick had furnished me a copy of the law on Friday before I resigned on Monday and stated that he had just received it at the time that he gave it to me.

Q. What efforts, if any, had been made by the board of registrars of Cullman County while you were a member of the same to advertise appointment for the registration of voters in Cullman County, Ala.? And if those appointments were not kept by such board, state the reason they were not.—A. After Mr. Turner, Mr. Smith, and I had been appointed and before receiving a copy of the law defining our duties we held a conference, at which it was decided that one member of our board would remain at the courthouse throughout the registration period and one or more members would visit each voting precinct and remain there all day for the purpose of registering voters, and the notice which appeared in both of the county papers on October 7 was published with that idea in mind. Upon receipt of a copy of the law, the day after that notice appeared in print, we learned that it would be necessary for a majority of the board to appear at the several places of registration for the purpose of registering voters. We then prepared dodgers to be sent over the county and put other notices in the paper advertising a second list of appointments, which were kept, that I'm informed. No effort was made to fill the first appointment, as it could not be done under the law as we then understood it. The second list of appointments appeared in both of the newspapers on October 14, 1920; could not appear earlier because the papers did not come out until that date. The registration supplies and copy of the law were not received until after the first list of appointments had been published.

Q. After receiving registration supplies and a copy of the law that you refer to, did the registrars have time to visit each precinct in the county and remain at the courthouse the required number of days under the law?—A. They did not, as there were 25 precincts and only 14 days in which to visit them, including the time, from the 19th to the 26th of October, 1920, required to be spent at the courthouse.

Q. What efforts, if any, were made by the board of registrars that you know about to advertise the second list of appointments for the registration of voters?—A. After receiving a copy of the law, as before stated, we held another conference and made out another list of appointments and advertised them in the county papers on October 14, as before stated, and in addition we had dodgers printed for distribution over the county. These dodgers were mailed out to all public places by Mr. Kilpatrick, and a batch of them was placed in the store of Mr. John F. Sutterer, chairman of the Republican, to be distributed by him as he saw fit, and I carried a batch of them to Judge Buch-

mann's office, the Republican probate judge of Cullman County, Ala., and placed them upon his desk and requested him at the time to send them to the leaders of his party in the several precincts of the county in order that everyone might know of the change in the dates for registration and the reason for not filling the first appointments. In addition to handing these dodgers out, and on Friday, the day we received a copy of the law, I had a conversation with Mr. John F. Sutterer at or near the front of Fisher & Sandlin's store in Cullman, Ala., and stated to him in that conversation that we had not received a copy of the law and would have to make changes in our appointments as first published, and that the second list of appointments were being prepared and would be published in the papers as soon as they could come out, and the dodgers would be printed and distributed, and that he would be furnished with a supply of them, which was done, as before stated.

Q. Did you have a conversation with the Republican probate judge of Cullman County, Ala., on the afternoon before a majority of the board of registrars of Cullman County, Ala., went to the house of Mr. R. A. Glasscock, near Berlin, that night for the purpose of the registration of voters in that precinct; and if so, what was stated in that conversation?

(Contestant objects.)

A. In front of the courthouse, about 4 o'clock on the afternoon mentioned, I met Judge Buchmann, and he told me that he understood that Mr. Smith and Mr. Turner were going out to Berlin that night. I told him to call up his leaders out there and notify them to have all present who were not registered and desired to do so, or words to that effect. I was not then a member of the board, as that was during the latter part of the registration period.

Cross-examination:

Q. Mr. Denson, did you know who recommended you to the governor of Alabama for appointment as one of the registrars of Cullman County?—A. I do not.

Q. Did you have a conversation with Mr. Kilpatrick a few days prior to your appointment or about the time of your appointment in regard to your appointment?—A. My best recollection, I had one after I was appointed.

Q. State the conversation in substance as near as you can.—A. Mr. Kilpatrick stated to me that they were having considerable difficulty in getting men to accept the appointment, and I asked him why he did not have Miss Wilbanks appointed? At that time it had not occurred to me that she was not a qualified elector and could not serve. I then stated to him that I would accept the appointment, and if I could not serve would resign later, which I did after serving one day.

Q. At the time that you had accepted the appointment was it then your intentions to resign before the work was completed?

(Contestee objects.)

A. I could not say that it was, as my action was to be controlled by circumstances, as court would be in session and I had several cases on the docket that I might have to try at that term of court.

Q. Had you received notice of your appointment before you helped to prepare and publish the first list of appointments?—A. Yes, sir.

Q. Miss Wilbanks was appointed to succeed you the same day that you resigned, was she not?—A. Yes, sir; I resigned about 3.30 o'clock in the afternoon and, as I remember, she received her appointment the next morning, October 12.

Q. You usually take an active interest in behalf of the Democratic Party and its nominees and did in the recent campaign in Cullman County, did you not, Mr. Denson?

(Contestee objects.)

A. I suppose I take more interest than the average man, but I never stress politics much.

Q. You helped to prepare the first list of appointments, did you?—A. I did.

Q. When the posters were printed, I believe you say they were turned over to Mr. Kilpatrick for distribution?—A. Some of them were, yes; but he was not charged with the duty of distributing them generally anymore than Judge Buchmann or Mr. Sutterer. We adopted that means of distribution in order that the widest publicity possible might be given to all members of both parties.

Q. It is your best recollection that you received your notice of appointment as one of the registrars before the first notice was published and sent out?—A. Yes, sir; it was turned over to the papers; before noon it appeared in the same. I refer to the first notice, and I had received my appointment before that.

Q. Did you notify Mr. Kilpatrick the same day you received your notice of appointment that you expected to resign?—A. I told him that I would resign if I saw that I could not serve. I don't remember just what day that was; it might have been two or three days after I had received my appointment.

Q. Tell us, if you can or as near as you can, the date of your resignation.—A. Between 3 and 4 o'clock in the afternoon of October 11, 1920.

Q. Then you was one of the registrars of this county more than one day?—A. Yes; I was registrar more than one day, but not but one day after the supplies arrived. We could do nothing until we received the supplies—that is, in the way of registering voters—and we were not ready to register until October 11, 1920, and no one registered prior to that time.

Q. Did you work with the registrars in the registration of voters on October 11 before you resigned in the afternoon?—A. I did.

Q. Did you all register voters that day; and if so, where?—A. We did, in Cullman precinct 1. We had not advertised that we would register voters that day, but we had received the supplies that morning and were informing ourselves as to our duties, and several came to us to register, and we registered only such that came while we were engaged in that manner in Mr. Smith's office in the Kilpatrick Building. During this registration we registered Republicans and Democrats alike and several of each.

PAINE DENSON,

F. M. PATRICK, being examined by contestee, testified:

Q. Mr. Patrick, do you live and vote in Vinemont beat, in Cullman County?—A. I do.

Q. Did you vote there on November 2, 1920?—A. I did.

Q. What ticket did you vote?—A. Democratic ticket.

Q. Were you one of the managers that day?—A. I was one of the inspectors; yes, sir.

Q. Did you see any irregularities about the polls there that day; if so, what did you see?

(Contestant objects.)

A. Well, I saw some irregularities. Well, that morning there was a lady came in there; Mrs. Knap was in the room meeting voters at the door, and I spoke to our returning officer and asked him if he authorized Mrs. Knap to assist voters, and he said he did not, and he asked me if I objected to her being in there. I told him I did, and he advised her that I objected to her being in there, and she went away. I believe that is about all now.

Q. What was her politics?—A. My best judgment, she was a Republican.

Q. Was she enthusiastic in her efforts that day?—A. She was.

Q. Did she continue those efforts after you put her out of the house?—A. I didn't see her any more that day.

Q. How long had she been there before she was put out?—A. About two hours; that is the best of my judgment.

Q. Do you know whether or not she had been working for the Republican campaign?—A. No; I do not.

Q. How did the vote stand up there as to the Democrats and Republicans for Congress?—A. I couldn't tell exactly now; I think about 10 Republicans to 1 Democrat; something like 8 or 10 to 1; that is my best recollection.

Q. Do you know of any Republicans in Vinemont or any other beat in Cullman County who wanted to register and did not?—A. I do not know.

Cross-examination:

Q. Name all the election officers of Vinemont in beat 18 who helped to hold the election on the 2d day of November, 1920, and state the politics of each one. (Contestee objects.)

A. The best of my recollection is Ed Heitmuller, Republican; I think he was an inspector, J. S. Mitchell, returning officer; I can't state J. S. Mitchell's politics. That is all I can call to mind just now.

Q. Do you know, Mr. Patrick, that the circuit clerk of Cullman County and the sheriff of Cullman County, who constitute a majority of the appointing board of election officers and who did constitute such board in the recent election, are both Democrats?—A. Yes; they are Democrats.

Q. Is it not a fact that two Democrats were appointed inspectors in each voting precinct and one Democratic clerk and a Democratic returning officer for each voting precinct in this county?

(Contestee objects.)

A. Yes; I think that's the rule.

Q. Is it your recollection that two of the inspectors who served at Vinemont precinct in that election were Democrats?—A. I tell you I can't answer that question.

Q. Would you say that you all held an honest election at Vinemont on that date?—A. To the best of my knowledge, we did.

Q. Do you know who the Republican watcher and the Republican marker was at that election in that precinct?—A. We didn't appoint one, a watcher or marker.

Q. Do you know of your own knowledge that Mrs. Knap, the lady you have testified about, was not appointed an official watcher or marker for that election by the Republican organization of Cullman County?—A. If she was, I was not notified of it on the morning of the election.

Q. It was raining the morning of the election, was it not, Mr. Patrick?—A. I think it rained that morning; I ain't positive.

Q. When you requested that this lady leave the polling place, or that she be put out of the polling place, she disappeared and you did not see her about there any more that day?—A. I did not see her any more that day.

Redirect examination:

Q. You do not know of your own knowledge that two Democrats were appointed inspectors in each voting precinct and one Democratic clerk and a Democratic returning officer for each voting precinct in Cullman County for the election held November 2, 1920?—A. I don't know.

Q. Did the Republicans in Vinemont, beat 18, make an active campaign to have all their women registered prior to the election last November?—A. I think they did.

(Contestant admits "That we did our best all over the district to get the Republican women registered.")

F. M. PATRICK.

J. L. M. COLLIER, being examined by contestee, testified:

Q. Did you vote in the general election November 2, 1920; and if so, what ticket?—A. Yes, sir; I voted; voted Republican ticket.

Q. Did you vote in beat 23, in Berlin?—A. Yes, sir.

Q. Your name appears on the books of qualified electors of Cullman County as being a voter in beat 19, or Kings Schoolhouse beat.—A. I do not know; I used to vote up there, and do not know whether it has been changed or not. I voted in beat 19 up to two years ago.

Q. Your home is still in beat 19, is it not?—A. No, sir.

Q. You have never made any effort to have your name changed in the probate office of Cullman County, Ala., from beat 19 to beat 23, have you?—A. No, sir; all that I done was to make an affidavit in Berlin beat when I voted the first year I lived in the beat I'm now in, beat 23. I don't remember what the month was and what the election was held for.

Q. Do you know whether or not your name appears on the poll list for Berlin beat or beat 23 at the present time, or not?—A. I do not.

Q. How far are you from the line between beat 19 and beat 23?—A. Just a quarter between my place and the line.

Cross-examination:

Q. Mr. Collier, how long have you lived in Cullman County, Ala.?—A. I have been here 11 or 12 years.

Q. Did you register as a voter in this county?—A. I did.

Q. Are you due the State of Alabama any poll tax?—A. I don't suppose I am; I know I ain't.

Q. How old are you?—A. Fifty-eight years old.

Q. About how long had you lived in Berlin precinct, the beat you voted in, prior to the election the 2d day of last November?—A. I moved in that beat the 28th day of January—was two years ago.

J. L. M. COLLIER.

R. A. GLASSCOCK, being examined by contestee, testified:

Q. Were you one of the election officers who helped to hold the election November 2, 1920, in beat 23, or Berlin beat, of Cullman County, Ala.?—A. I was.

Q. Did one John G. Smith vote a Republican ticket there that day?—A. Yes, sir.

Q. Examine the book of qualified electors of Cullman County, Ala., and the alphabetical poll list of beat 23 of Cullman County, Ala., as kept by the Republican probate judge of Cullman County, Ala., and see whether or not J. G. Smith paid poll taxes for the years 1917, 1918, and 1919.

(Contestant objects.)

A. 1917, 1918, and 1919 is not marked paid.

Q. Do you remember whether or not his name appeared on the poll list sent to the election officers of Berlin beat held November 2, 1920?

(Contestant objects.)

A. No, sir; it wasn't there.

Q. Did he vote a challenge vote there that day?—A. He did.

Q. Examine the alphabetical poll list of beat No. 23 of Cullman County, Ala., as shown on page 136 of said list for 1917-1920, and see whether or not the name of Paul Walker appears thereon.

(Contestant objects.)

A. It don't show he paid any; no, sir.

Q. Did he vote a Republican ticket at Berlin on November 2, 1920?—A. He did.

Q. Did he vote a challenge vote?—A. No, sir; we talked about a challenge vote, but decided not to kill the time with him. He claimed he had his poll tax receipts at home.

(Contestee objects to the last sentence of Mr. Glasscock's answer.)

Q. Are both J. G. Smith and Paul Walker under the age of 45 years?—A. Yes, sir.

Cross-examination:

Q. I believe you say you was serving as one of the Democratic inspectors at that election that day?—A. Yes, sir; I never miss being one.

Q. Did you place the ballots in the box that day?—A. I did.

Q. Did you examine people's ballots to see how they voted?—A. I did not; I knew that was against the law.

Q. Did you see J. G. Smith and Paul Walker mark their ballots?—A. No, sir; I did not see them mark it.

Q. Do you know of your own knowledge who these parties voted for Congress in that election?—A. A man never knows nothing unless he sees it. I almost know that they voted a Republican ticket, because they always voted a Republican ticket. And he was carried out of the room by a Republican marker into a different room where they did their marking.

Q. In the examination of the poll-tax record or list of those who have paid poll tax in Cullman County you have looked for these names for beat 23 only have you not, Mr. Glasscock?—A. I only looked in beat 23.

Q. Name all the election officers for beat 23 for the election held on the 2d day of November, 1920, and state the politics of each.—A. T. A. Walton, Republican; J. S. Schults, Republican; J. M. Parrish, Democrat; and R. A. Glasscock, Democrat; and Lum Hendrix, Democrat; and Jim Simms, returning officer, and I don't think he has any politics.

Redirect examination:

Q. How long have these two men—J. G. Smith and Paul Walker—resided in Berlin beat or beat 23?—A. Paul Walker was raised there and John Smith has been there something like 20 years.

Q. Do you remember whether or not Paul Walker's name appeared on the poll list sent to the election officers for the election on November 2, 1920?—A. No, sir; it did not.

R. A. GLASSCOCK.

J. K. TURNER recalled for further cross-examination by contestant:

Q. Mr. Turner, in registering the women voters of Cullman County the board of registrars registered all white women who testified or made oath that they had resided in the State of Alabama more than two years and in the county of Cullman more than one year and in their respective precincts more than three months, did you not?—A. We did.

Redirect on recross-examination:

Q. Did any Negro women present themselves for registration to the board of registrars of Cullman County, Ala., of which you were a member, in the year 1920?—A. They did not.

J. K. TURNER.

The aforesaid witnesses were sworn to speak the truth, and all relevant questions propounded to them by the contestee and contestant and their answers thereto, as near as may be, were taken down by me in their presence and read over to the witnesses, who signed the same in my presence as their true evidence on said examination. The foregoing record, depositions from 1 to 26, six pages, inclusive, contains the depositions of the aforesaid witnesses complete. And I certify that at the examination of each of the aforesaid witnesses counsel for contestant was present and examined, or had the opportunity of examining, on cross, said witnesses.

I further certify that I am neither of counsel nor kin to L. B. Rainey, contestee, or C. B. Kennamer, contestant, and that I have conducted the examination of the aforesaid witnesses fairly and according to law, to the best of my ability.

Given under my hand and seal this the 21st day of March, 1921. A. D.

[SEAL.]

FRED E. JAMES,

Notary Public,

Commissioner for L. B. Rainey, Contestee.

My commission expires August 18, 1923.

NOTICE TO TAKE DEPOSITIONS.

To Hon. C. B. KENNAMER:

In the matter of the contest of the election for Congress held November 2, 1920, in the seventh congressional district of Alabama. You will please take notice that on Tuesday, March 15, 1921, witnesses will be examined in behalf of L. B. Rainey, contestee, at the courthouse at Guntersville, Ala., before Hon. Henry J. Miller, a notary public, and duly appointed to take and certify the depositions of said witnesses.

Said witnesses and their post-office address are as follows, to wit:

Z. T. Sparks, Albertville, Ala., R. F. D. No. 2.

John H. Daverson, Albertville, Ala., R. F. D. No. 2.

W. H. Hyde, Boaz, Ala.

Jack Hubbard, Boaz, Ala.

J. B. Stearnes, Guntersville, Ala.

William P. Powell, Guntersville, Ala. Did not appear.

J. K. Huckaby, Guntersville, Ala.

J. E. Nix, Guntersville, Ala.

Mrs. Sam. Henry, Guntersville, Ala. Excused.

Asa B. Hamby, Guntersville, Ala.

J. Willis Parrish, Horton, Ala., R. F. D. No. 1.

J. D. Currey, Horton, Ala., R. F. D. No. 1.

W. E. Avery, Horton, Ala., R. F. D. No. 1.

S. A. Hambrick, Horton, Ala., R. F. D. No. 1.

S. P. Tidwell, Gadsden, Ala.

J. P. Doyle, Guntersville, Ala., R. F. D. No. 2. Did not appear.

Robert H. Williams, Guntersville, Ala.

The examination of said witnesses will continue from day to day until completed. This the 12th day of March, 1921.

L. B. RAINEY,

Contestee.

WM. C. RAYBURN,

Attorney for Contestee.

Copy of the above notice handed to C. B. Kennamer, contestant, at Guntersville, Ala., March 12, 1921.

WM. C. RAYBURN,

Attorney for Contestee.

STATE OF ALABAMA, *Marshall County:*

Before me, H. J. Miller, a notary public and commissioner duly authorized to take depositions in the matter of the contest of the congressional election in

the seventh congressional district of Alabama, held in said district on the 2d day of November, 1920, in behalf of the contestee, L. B. Rainey, personally appeared the following witnesses at Guntersville, Ala., at 10 a. m. Tuesday, March 15, 1921.

The contestee, L. B. Rainey, being absent, he was represented by William C. Rayburn, an attorney at law, of Guntersville, Ala.

C. B. Kennamer, contestant, being present in person and represented by O. D. Street, attorney at law, the undersigned commissioner proceeded to take the deposition of the following witnesses in behalf of the contestee:

Z. T. SPARKS, being called, testified as follows:

Q. Your name is Z. T. Sparks, is it?—A. Yes.

Q. In what precinct do you live in Marshall County?—A. Beat 24, Hoopers.

Q. Was you an inspector at the November election November 2, 1920, in which Mr. Kennamer and Mr. Rainey were opposing candidates for Congress?—A. I was.

Agreement: It is agreed by both parties that objection to a question applies to the answer, and that the ground of objection need not be noted by the commissioner unless called for by the other party, it being sufficient simply to note objection.

Q. At what place in the precinct was that election held?—A. At Mr. Smith's gin house at Alder Springs.

Q. Was you there at the polling place or in the polling place all day?—A. Yes.

Q. Do you remember Mrs. Rosa Smith or Mrs. Tom Smith voting?—A. Yes.

Q. Who helped her make her ballot?—A. Mr. Smith and her were together.

Q. Did she hand her ballot to you as an inspector?—A. She did.

Q. Did you put that ballot in the box?—A. Yes, sir.

Q. Did that ballot remain in the box until the votes were counted?—A. Yes, sir.

Q. Did you see for whom she had voted when she handed you the ballot?—A. I did not.

Q. Was her ballot folded when she handed it to you?—A. Yes, sir.

Q. Did you hear a conversation between her and her husband as to how she should vote at that election?—A. No, sir.

Q. Who were the other inspectors of the election?—A. J. W. Moore and F. W. Harrison.

Q. Who were the clerks?—A. Will Lusk and Burton Smith.

Q. What is the politics of Will Lusk and Burton Smith?—A. They both vote the Republican ticket.

Q. What is the politics of Mr. Moore, Mr. Harrison, and yourself?—A. Myself and Mr. Moore are Democrats and Mr. Harrison a Republican.

Q. At that election did Mr. Harrison electioneer with the voters in the polling place?—A. He did.

Q. Will you please state so the commissioner can get it down just what Mr. Harrison did in the way of electioneering with the voters or in the way of marking ballots of the voters and handing them in to the inspectors?—A. Mr. Harrison was very active that day in marking and soliciting voters to vote the Republican ticket. Mr. Harrison marked a great many votes that day. He brought them to me to deposit them for him. Sometimes he would have a good many in a bunch. I never seen him during the day mark a ticket and give it back to the person whom he marked the ballot for. I asked him on three occasions to let the ladies deposit the ballots with the inspectors, that we might get their names correct on the tally sheet. I finally told Mr. Harrison if he didn't stop it I was going to take the ballot box out and destroy what was in it and put it on my back and carry it home. He quit bringing in the ballots that way.

Q. When you told him if he didn't quit it you would take out the ballot box and destroy the ballots and carry the box home, you had reference to his handing in the ballots to the inspectors, instead of allowing the voters to deposit their own ballot, did you not?

(Objection by contestant.)

A. Yes, sir.

Q. The way Mr. Harrison was handing in the ballot, was it confusing to the inspectors to tell who was voting?—A. More so for the clerks than the inspectors.

Q. Were some illegal votes cast at that election?

(Objection by contestant.)

A. There were six votes cast that did not appear on the poll list.

Q. Will you please give us the names, if you remember, of those who voted whose names did not appear on the poll list?—A. Man by the name of West, who had not been out there long; Thomas Cunningham, Joe Vaughn, a man by the name of Bud Rhoades, Arthur Vandergriff, John Lambrick.

Q. Were any of these votes challenged; if so, by whom?—A. Four or five of them were challenged.

Q. Do you know whether they voted the Democratic ticket or the Republican ticket?—A. I saw those challenged votes made; they were made there on the table, except Mr. Rhoads, who was unable to come up stairs; I did not pay any attention to Mr. Lambrick's ticket. I only know what he said as to how he voted; he said he was going to vote a Democratic ticket; the others voted the Republican ticket straight. Two of them I did not see made, but they said they were going to vote it.

Q. How long had Mr. West been in that precinct?—A. I don't know how long he had been there.

Q. Was his name on the legal voting list?—A. Wasn't any of these challenge votes on the list.

Q. After the polls were closed, did you agree to go to Mr. Daverson's house to count the votes?—A. We did.

Q. Will you please state to the commissioner just what was done and said about going there to Mr. Daverson's house to count the ballots?—A. I will say that we had to go somewhere, for there was no fire there and no place to build one; Mr. Daverson asked us to go to his house and get a warm supper; he had a good fire there; he had a good gas lamp, and we accepted the proposition.

Q. Was there any objection made by anyone to going to Mr. Daverson's house to count the ballots?—A. There was not.

Q. Was there any suggestion made by anyone to go to Mr. Smith's house to count the ballots; if so, please state just what was said?—A. Wasn' anything said in my presence about going to Mr. Smith's to count the ballots.

Q. Did all of the inspectors and clerks and returning officer go to Mr. Daverson's home to count the ballots?—A. When we left the voting place Mr. Harrison did not go with us.

Q. Please state why and just what was said.—A. He said he had to go home.

Q. Did anyone insist on his going on with you?—A. No, sir.

Q. Did anyone tell him not to go?—A. No, sir.

Q. Did the clerks go along with you and the ballots and remain with you and the ballots all the time?—A. Everybody went except Mr. Harrison.

Q. How long before Mr. Harrison came?—A. We were eating supper when he came in, about 30 minutes after we got there.

Q. Was any votes counted before Mr. Harrison came?—A. Was not.

Q. Had you or Mr. Daverson or anyone else opened the ballot box before Mr. Harrison came?—A. No, sir.

Q. Did Mr. Harrison inspect the ballots as they were counted?—A. I could not say whether he inspected them or not.

Q. Was he there close as the ballots were counted so he could inspect each ballot if he so desired?—A. Yes, sir.

Q. Was there any objection made at any time by anyone with regard to the calling or counting the ballots?—A. Was not.

Q. Do you remember a ballot being destroyed or burned up; if you say you do, please state as near as you can all that was done and said with reference to burning the ballot or destroying it?—A. I took the ballot out of the box. A ballot was marked between Mr. Kennamer and Mr. Rainey with a cross. I passed the ballot to Mr. Harrison and I asked him what he thought of that ballot. Mr. Harrison said he didn't think it was a ballot. I told Mr. Harrison that if it was a Democratic primary I knowed what would go with it there—it would not be counted. Mr. Harrison offered it to Mr. Lusk for examination. Mr. Lusk said it was not any account. Mr. Daverson asked to let him see it. We handed it to Mr. Daverson; Mr. Daverson called it to the clerks, C. B. Kennamer. The clerks put it down as it was called out. Mr. Daverson was the man we agreed to call the ballots; the ballot was then passed to Mr. Moore; Mr. Moore gave it back to me. I asked them what to do with it. Mr. Harrison said it wasn't any account; throw it in the fire. I put it in the fire and burned it.

Q. Was that ballot counted for Mr. Kennamer?—A. It was.

Q. I will ask you if the poll list and the tally sheet tallied if there were as many votes shown on the tally sheet as having been counted as were shown on the poll list to have been cast?

(Objection by contestant.)

A. To the best of my knowledge they did.

Q. Did you see the ballots or inspect the ballots as they were called?—A. I took the ballots from the sack in which they were. In great many times I seen who they voted for as I took the little ballots out from among the big ballots. I was taking them out and passing them to the caller.

Q. Did the party who was calling the names off the ballot call them correctly?—A. I think he did.

Q. So far as you know, were all of the ballots counted for the party for whom they were voted?—A. Yes, sir.

Q. Where did the registrars meet to register the women voters in your precinct?—A. I do not know where they went. I did not go there. I know where they were to meet.

Q. Was the place they advertised in a centrally or conveniently located part of the precinct?—A. Yes, sir.

Q. Where were they advertised to meet to register the women voters?—A. At Alder Springs.

Q. In what part of Hooper beat is Alder Springs located?—A. Pretty well in the center of the beat, except this little corner which comes down under the mountain, which joins beat 1, Guntersville beat.

Q. Do you remember in what way and how long this appointment of the registrars had been advertised?—A. I do not know how long: it was in the Guntersville Advertiser.

Q. Do you know of the appointment being circulated in the precinct by the people telling around in the precinct of the appointment and of the time and place where the registrars met?—A. I know it was.

Q. You stated a moment ago in answer to this question: "D you know of any other way in which this appointment was advertised?" That you did not. Please state what you meant by that.—A. I meant that people telling one another anything, I did not consider that an advertisement.

Q. Did you or not have reference to advertisement in a newspaper?—A. At that time I meant that I did not see any circulars.

Q. Do you know of anyone in that precinct who did not know of the appointment of the registrars?—A. No.

Q. Do you know of any woman in that precinct who was denied the right of registration on account of not knowing of the appointment?—A. No, sir.

Q. How far is that precinct from Albertville precinct and Guntersville precinct, the two courthouse towns of this county?—A. It is between them on the east. The precinct runs within a mile of Guntersville and about $2\frac{1}{2}$ miles from town of Albertville.

Q. Is there a good road or fairly good road to each of those points?—A. Yes, sir.

Cross-examination:

Q. When the count commenced at John Daverson's house, your job was to take the ballots from the sack that was being used as a ballot box and pass them to the man who was to do the calling, was it not?—A. That is what I did.

Q. Did you take all of the ballots out of the sack?—A. I took all out and shook the sack?

Q. Did you hand every ballot to John Daverson?—A. I handed to Mr. Daverson every ballot that was voted in beat 24.

Q. Did Mr. Daverson call all those ballots? A. Yes, sir.

Q. As Mr. Daverson would finish calling the ballot, what would he do with it?—A. He gave it to Jim Moore.

Q. And what would Jim Moore do with it?—A. He had a large envelope to deposit them in.

Q. Was all the election officers during this time sitting down there in the room?—A. Yes, sir.

Q. About how far from John Daverson was F. W. Harrison?—A. Most of the time he was 4 or 5 feet.

Q. Was anyone standing up looking over John Daverson's shoulder as he called the ballots?—A. If there were I don't know it.

Q. Was you all using a table there during the count?—A. Clerks were using the table.

Q. How far was the clerks sitting from John Daverson?—A. Mr. Smith was nearly touching him, Mr. Lusk was, I will say, 5 feet from Mr. Daverson.

Q. Did the clerks sit on the same side of the table Mr. Daverson was on or on the opposite side?—A. Mr. Daverson was at the end of the table, and they were on the side.

Q. The clerks did not examine the ballots at the time of the calling and only tallied on the tally sheet the vote as called?—A. That is right.

Q. What time did you leave the place where the voting occurred to go to John Daverson's to make this count?—A. We closed the polls at 5 o'clock, and as soon as we could get the things fixed we went to Mr. Daverson's.

Q. Was it dark when we reached Daverson's house?—A. No, sir.

Q. How did you all travel?—A. We walked part of the way and rode part of the way in a car.

Q. All travel along together?—A. Yes, sir.

Q. Who carried the ballot box?—A. I carried it.

Q. When you reached John Daverson's house what did you do with the ballot box?—A. I set it against the wall of the ceiling at the door between the sitting room and the dining room.

Q. Did you all stay in the same room with the ballot box until the count commenced?—A. We all went into a different room and ate supper.

Q. Do you know who had charge of the ballot box while you were eating supper?—A. Wasn't anyone had charge of the ballot box while we were eating supper.

Q. You speak of Mr. Harrison being very active on election day; I will ask you if you was not also active?—A. No, sir.

Q. Did you not solicit votes for the Democratic nominees?—A. I did not solicit anyone, not even my own children.

Q. You are a very active partisan Democrat, are you not?

(Objection by contestee.)

A. I will say, explain to me what "partisan" means and I am ready to answer the question.

Q. Was you not very active in the recent campaign in behalf of the Democratic Party and against the Republican Party and its nominees?—A. I was not active in neither one; I took as little interest in it as any man.

Q. Did you not circulate a report or tell numerous people in this county that the Republican nominee for President, Warren G. Harding, was one-sixth or some part Negro?—A. I did not.

Q. You have been Democratic executive committeeman from beat 24 of Marshall County for a number of years, have you not?—A. I have.

Q. Who was the returning officer at the election in beat 24 in the election last fall?—A. John Daverson.

Q. Is he a Democrat or a Republican?—A. Tells me he is a Democrat.

Q. He was very active in and about the election, was he not?—A. I say he wasn't.

Q. Do you not know that he marked a considerable number of ballots and sought the opportunity to mark others?—A. I don't know what Mr. Daverson marked, did not see him mark any.

Q. You placed in the fire and burned up the ballot that has been testified about, did you not?—A. Yes, sir.

Q. The only mark on that ballot was a cross mark just in front of the name of C. B. Kennamer, was it not?—A. It was marked between the two names, C. B. Kennamer and L. B. Rainey.

Q. That was right in front of the name of C. B. Kennamer?—A. I think it was made in the proper place to vote for C. B. Kennamer.

Q. Did you not there and then tell the other election officers that where a voter voted for but one candidate on the ticket that such ballot was void and illegal and should not be counted?—A. I did not say any such thing.

Q. At whose suggestion was the ballot burned up?—A. Mr. Harrison was the man that said "burn it."

Q. Don't you know, Mr. Sparks, that Mr. Harrison objected to you burning the ballot and told you not to burn it?—A. Mr. Harrison said it was no account and told me to burn it; it was illegal.

Q. You swear this ballot was counted in the result of that election?—A. It was counted.

Q. And it was counted before you burned it?—A. Yes.

Q. You therefore testify that you deliberately destroyed a ballot that had been cast and counted at that box in that election?—A. I say through the agreement of us inspectors that I burned the ballot.

Q. You have been taking considerable interest in this contest, have you not Mr. Sparks?—A. I haven't took any.

Q. Your feelings are very much against the contestant in this contest, are they not?—A. I say that my feelings toward Mr. Kennamer, contestant, is very good; I think he is a perfect gentleman.

Q. Have you not been soliciting the contestee, his friends and attorneys, to hold this examination of witnesses and to give you a chance to swear in this case?—A. I have not.

Q. You have advised Democrats of this county to have this hearing, have you not?—A. I will say on that I never said a word to but one Democrat in the county about it.

Q. Who was the Democrat you discussed it with?—A. Me and Mr. Y. Burke talked about it last Saturday.

Q. Had you read the article exhibited to you in the Guntersville Advertiser of last week, as follows:

“Z. T. Sparks, of Albertville, route 2, was in town to-day and called at this office to renew. Mr. Sparks is a strong Democrat and believes Congressman Rainey should hold a short session in this county to straighten out some of the misleading testimony taken during the Republican contest proceedings.”

A. I have read the article.

Q. You spoke of four or five persons voting in beat 24, whose names were not on the legal voting list. Do you not know that legal voters' names are frequently inadvertently left off the legal voting list?

(Objection by contestee.)

A. I say that I did not know it.

Q. You say Joe Vaughn's name was not on the legal voting list. Do you not know, as a matter of fact, that Joe Vaughn has lived in precinct 24, Marshall County, Ala., for many years, and that he has been voting in elections in that precinct for a number of years?

(Objection by contestee.)

A. Joe Vaughn has voted in that precinct for a number of years but at this election he did not live in it.

Q. Do you know, as a matter of fact, that either one of the five persons you named whose names were not on the legal voting list were illegal voters?

(Objection by contestee.)

A. All I know about that is that their names did not appear on the voting list.

Q. Was these voters challenged?—A. Two of them wasn't; the balance were.

Q. There was two Democratic inspectors and a Democratic returning officer there in charge of the holding of this election, was there not?—A. That's what they claimed to be.

Q. You had charge of the ballot box during the voting?—A. The ballot box was hung up on a nail drove in the wall.

Q. Is it not a fact that you placed practically all the ballots in the box?—A. I placed most of them in.

Q. You know of several illegal Democratic ballots that were cast there at that box on that day, do you not?—A. I don't know of nary a one.

Q. Do you know Charley Vinson?—A. I do.

Q. He voted at that election there on that day, did he not?—A. He did.

Q. He is the son-in-law of John Daverson, is he not?—Yes, sir.

Q. It is your understanding he voted the Democratic ticket in that election?—A. My judgment is that he voted the Democratic ticket.

Q. Don't you know that he had been out of this State, or isn't it your information that he had been out of this State for several years and had just returned a few months before the election?—A. I had heard he left the State, but more than a year before this election he was down in my community visiting his uncle and said that he was working above Albertville, Ala. I myself don't know anything about it.

Q. You know about two of the Conley boys voting there in that election?—A. Best of my judgment two of them voted in it.

Q. Did you know that they were not qualified voters?—A. Before this election, at another election, they they brought their transfer, and they were on the poll list.

Q. Did Wilburn Alldridge vote in that election there that day?—A. Wilburn Alldridge was there and I do not know whether he voted or not.

Q. You nor none of the other Democratic officers there challenged his vote did you?—A. I did not.

Q. Beat 24, Marshall County, the precinct you are testifying about, is ordinarily a pretty strong Republican beat is it not?—A. At times it has been and at other times it was not.

Q. It is not quite so strong when John Daverson calls the ballots is it?

(Objection by contestee.)

A. This is the only time to my knowing Mr. Daverson had the chance to call.

Q. Mr. Sparks, do you remember that in the count as reported on this precinct, Harding, the Republican nominee for President, had received several more votes than Kennamer, the Republican nominee for Congress?

(Objection by contestee.)

A. I think Mr. Harding got a few more votes than Mr. Kennamer.

Q. You are well acquainted with the people and their political affiliations in that precinct, are you not?—A. I am not; sometimes they vote one way and sometimes vote another.

Q. Are you well acquainted with the people of the precinct?—A. I think I am very well acquainted with the people of the precinct.

Q. I will ask you to name one person in precinct 24 who in your judgment or belief voted the Republican ticket for President and did not vote for the Republican nominee for Congress in that election?

(Objection by contestee.)

A. I believe I had two boys who voted for Harding that did not vote for Mr. Kennamer—W. A. Sparks and T. Y. Sparks, also Eunitt Alldridge swapped out; I know how it was, he voted for Harding; that is all I think of just now.

Q. Please just explain how it was that Eunitt Alldridge swapped out and voted for Mr. Harding.—A. Mr. Smith's son and Alldridge were swapping out, and Mr. Smith was going to vote for Harding and Mr. Alldridge was going to vote for Mr. Kennamer. They came to me with their tickets, and they had them wrong. I told them they were wrong, and they said, "Let them go." That is what they told me about the tickets.

Q. Did you fill out their tickets, Mr. Sparks?—A. No.

Q. Who did make out their tickets?—A. I don't know.

Q. Just explain how each of their tickets was marked.—A. The ticket that Mr. Alldridge wanted to vote was just marked the State ticket as far as the electoral vote, and they brought them to me and asked me if that would pass, and I showed them the mistake, showed Mr. Alldridge that he had marked where he did not aim to mark, and he said, "Well, we will just let it go." My judgment at that time was they just changed tickets.

Q. Was those tickets deposited in the box?—A. Yes, sir.

Q. Were they counted in the result of the election there in that box?—A. Yes, sir.

Q. Who did Eunitt Alldridge vote for for Congress on the ticket you examined?—A. I do not know who he voted for for Congress.

Q. Who did Smith vote for for Congress on the ticket you examined?—A. I don't know.

Q. Was the ballots numbered at the election in beat 24 in that election?—A. Was not.

Q. You have helped to hold numerous elections in that precinct, have you not, as an inspector?—A. That was my second election to be inspector.

Q. You knew the law directed that the ballots be numbered, did you not?

(Objection by contestee.)

A. Don't know that I did.

Redirect examination:

Q. Did you or anyone else prevent Mr. F. W. Harrison from looking over Mr. Daverson's shoulder while Mr. Daverson called out the ballots?—A. No, sir.

Q. It is a fact that Mr. Harrison was there in the room during the time the ballots were being counted, isn't it?—A. Yes, sir.

Q. Did Mr. Harrison make any objection or protest against Mr. Daverson's calling the ballot?—A. He did not.

Q. What was Mr. Harrison doing while Mr. Daverson called the ballots?—A. He was sitting there in a chair.

Q. Was he asleep?—A. I did not examine him to see whether he was asleep or awake.

Q. Did he snore any?—A. He did not snore any from sleeping.

Q. You said on your cross-examination that you went up to Mr. Daverson's house as soon as you got things fixed up; what did you mean by fixing things up?—A. I meant by that the belongings of that election. We put them in the ballot box and carried them up there.

Q. You say you went up there in a car; will you please state who went in the car with you, how far you went in the car, and how far you walked?—A. Burton Smith, Will Lusk, Jim Moore, John Daverson, and myself. Went in the car not more than a half mile, walked about a quarter.

Q. Did you all go along together after you got out of the car?—A. We got out of the car at Mr. Daverson's house and went inside.

Q. You walked, then, about a quarter of a mile before you got to the car?—A. Yes.

Q. Did you all walk along together?—A. Yes.

Q. You said you left the ballot box in the room adjoining the dining room while you ate supper. I will ask you if you could see the box or could see anyone who entered the room where the box was?—A. I could see the box from where I ate my supper.

Q. Did anyone molest the box while you were eating supper?—A. Wasn't anyone went about it.

Q. You say Mr. Harrison came in while you were eating supper; did he sit down in the room where the box was?—A. He did.

Q. Mr. Kennamer asked you if you did not take a great deal of stock or interest in the election at the polls; I will ask you what interest you took and how many ballots you marked that day?—A. I did not take any interest either one way or the other. I marked two ballots during the day.

Q. Do you remember who they were? Please name them.—A. I marked my own and Mrs. Carlin's tickets.

Q. Did Mrs. Carlin call on you to mark her ballot?—A. She asked me to make out her ballot for her.

Q. Did she vote the Democratic ticket or the Republican ticket?—A. She voted Republican ticket straight.

Q. Do you know who voted the ballot that was burned?—A. I had no more idea than the man in the moon.

Q. I believe you stated that ballot was counted for Mr. C. B. Kennamer for Congress before it was burned?—A. Yes, sir.

Q. It is your judgment at that election Mr. Kennamer received every ballot that was cast for him? That is, that every ballot that was cast for him was counted for him, legal or illegal?—A. I believe it was.

Q. Isn't it your opinion that the Republicans were just mistaken about the number of voters who would vote the Republican ticket in that precinct just as they were about other parts of the county?—A. I believe they were mistaken in the amount that they thought would vote there in that precinct.

Q. Do you remember the number of votes that was cast in that precinct at that election?—A. About 212.

Q. Do you remember about how many Mr. Kennamer got and how many Mr. Rainey got?—A. I think Mr. Kennamer got 115; think Mr. Rainey got 94.

Q. How many votes were cast for Harding-Coolidge electors, and how many for the Cox-Roosevelt electors, if you remember?—A. I do not remember.

Q. Was any voter hindered, delayed, intimidated, or coerced there that day to vote?—A. Was not.

Recross-examination:

Q. This count was made in the private residence of John Daverson, was it not?—A. Made in the home of Mr. Daverson.

Q. John did the counting?—A. John done the calling.

Z. T. SPARKS.

JOHN H. DAVERSON, being called, testified as follows:

Q. Where do you live, Mr. Daverson?—A. I live in Hooper beat.

Q. Are you a Democrat or a Republican?—A. Democrat.

Q. Did you help hold the election on the 2d day of November, 1920, in which Mr. Kennamer and Mr. Rainey were candidates for Congress from this district?—A. I was returning officer.

Q. After the election was over, did you take charge of the ballots and all of the election supplies, poll list, tally sheets?—A. I taken charge of them after they were sealed up and turned over to me at my house.

Q. Did you keep them in your possession until the next day and bring them to Guntersville and deliver them to the sheriff of Marshall County?—A. Yes, sir.

Q. After the polls were closed, will you please explain where you went to count the ballots and why you went, and who went with you, and all that was done and said in connection with it, as near as you can now recall?—A. We

held the election in the ginhouse, and after the polls were closed somebody suggested we go to somebody's house where we could get by the fire and have light, and I told them we could go down to my house where there wasn't no children and have a good gaslight, and get warm supper. All agreed to go; we started, got up to old man Reagan's, and met my little boy in the car; we all got into the car and went on down to my house, waited on supper; after we ate supper, went to counting the votes.

Q. Was Mr. Harrison and the other election officers present when you started to counting the ballots?—A. Yes, sir.

Q. Had you counted any ballots or molested or interfered with the ballot box or the ballots in any way before Mr. Harrison got there?—A. No, sir.

Q. Was Mr. Harrison and the other election officers present the entire time during the counting of the ballots?—A. Yes, sir.

Q. Will you please state who of the election officers were Democrats and who were Republicans?—A. Mr. Sparks and Mr. Moore were Democrats, Mr. Harrison, Mr. Smith, and Mr. Lusk were Republicans.

Q. It is a fact, then, that there were three Democrats and three Republicans holding the election?—A. Yes.

Q. Did you call the ballots off as the clerks kept tally, and did you call the ballots for the parties for whom they were cast, just as they appeared on the ballot you counted?—A. I called them just like they was marked.

Q. Did you at any time during the count or calling the ballot call a vote for Mr. Rainey when it was marked for Mr. Kennamer?—A. No, sir.

Q. Did you call every vote that was cast at that election?—A. No, sir; Jimmie Moore called them for a while and then asked me to take his place.

Q. About what per cent of the ballots did you call?—A. Could not say.

Q. Did you and Jimmie Moore together count all the ballots that were cast?—A. My recollection is that we did.

Q. Did Mr. F. W. Harrison watch the count?—A. Yes, sir.

Q. Did he make any objections whatever to you calling the ballot?—A. Not a bit.

Q. Did Mr. Harrison at any time make any objection to going to your house to count the ballots?—A. He said when I suggested to go to my house, he said why not go over to Tom Smith's, and some one said that Tom wasn't there and did not know whether Tom would like it or not. I believe that is about all he said about it.

Q. How long did it take you to count the ballots?—A. I believe it took till after midnight.

Q. Do you remember a ballot being destroyed?—A. Yes, sir.

Q. Will you please state just what was said and done about the destruction of that ballot?—A. I called the ballot when it was handed to me; there was a cross in front of Mr. Kennamer's name is the only mark that there was on the ballot; I called it for Mr. Kennamer.

Q. Did the clerks of the election put down on the tally sheet the vote for Mr. Kennamer when you called it?—A. Yes, sir.

Q. What was then done with the ballot?—A. Somebody spoke up and said that oughtn't to be counted; passed around and all of them looked at it. Will Lusk decided under the election laws it wasn't a ticket and couldn't be counted. I asked him why, and he said because Mr. Rainey's name wasn't spoiled out.

Q. What did Mr. Harrison say about it?—A. He said he did not know whether it could be counted or not.

Q. Did Mr. Harrison suggest burning the ticket?—A. I do not think he did; I do not know.

Q. Did Mr. Harrison object to burning it up?—A. No.

Q. It is a fact that ballot was counted for Mr. Kennamer before it was destroyed, isn't it?—A. Yes.

Q. Were there as many votes shown on the tally sheet as were shown on the poll list?—A. Yes, sir.

Q. In your judgment was that election fairly conducted and the ballots honestly counted as they were cast?—A. So far as I know it was.

Q. Who took the most stock in the election there at the polls that day in the way of soliciting votes and marking ballots—the Democrats or the Republicans?—A. The Republicans taken more stock generally than the Democrats.

Q. Did you have a conversation with Mrs. Rosa Smith about the ballot that was destroyed?—A. Yes; about a couple of weeks after the election.

Q. I will ask you what was said about it and whether or not what was said was in a joke and all for fun.—A. Yes; what I said to her was all in fun. The

talk came up about the election, and I said, "Rosa, some of them said it was your ticket that got burned up." She said "Yes; that is what some of them told me." She said "I guess if it had been for Rainey it wouldn't have been burned up." I said "You know I wouldn't have burned it up if it had been for him."

Q. You did not know whose ballot it was that was burned, did you?—A. No, sir.

Q. You did not burn the ballot nor have anything to do with it?—A. No.

Q. Then all you said to Mrs. Smith was in a joke and so received by her?—A. Yes.

Q. Was you present when the registrars filled their appointment in Hooper's beat?—A. Yes.

Q. At what place in the precinct did they hold their meeting?—A. At the gin—Smith's gin, at Alder Springs.

Q. Is that a centrally located point in the beat?—A. It is not centrally located, but it is the voting place.

Q. I will ask you if it is not centrally located so far as that part of the precinct which lies on Sand Mountain is concerned?—A. Yes; about as centrally as you could get it without getting to where there is no public school-house or gin.

Q. Is it easily accessible from all parts of the beat?—A. Yes.

Q. That part of the precinct lying in the valley is close to Guntersville, isn't it, and easily accessible to Guntersville?—A. Yes.

Q. How was the appointment of the registrars advertised in Hooper precinct?—A. It was well advertised; Will Daniel advertised it; could not say whether it was in the paper or not.

Q. How many days did you hear of the appointment before the registration day?—A. Could not say; but several days.

Q. Was it publicly announced?—A. Yes; it was publicly talked everywhere.

Q. Was it talked at the gin and the public places?—A. Yes, sir. Registrars stopped at two places: part of the crowd was at the schoolhouse and part of them at the gin: they stopped at both places.

Q. Did the registrars appear at the time appointed?—A. They did not come to the gin right on the minute; they stopped at the schoolhouse.

Q. How far apart is the gin and the schoolhouse?—A. A little over a quarter.

Q. The registrars appeared on the day they were advised to be there?—A. Yes; they were a little late at the gin; they said they was.

Q. How long did they stay there?—A. They stayed there till they registered everybody that was there.

Q. Was any person denied registration?—A. No.

Q. How many registered there that day?—A. Somebody told me it was 27.

Q. Did they register both Democratic and Republican women?—A. Yes; everybody that came there.

Q. Was there any question asked about what their politics was?—A. I did not hear any.

Q. Do you know Charley Benson?—A. I do.

Q. Is he related to you?—A. Yes; son-in-law.

Q. Did he vote there that day?—A. Yes, sir.

Q. Was his name on the legal voting list?—A. His name was on the registration list that was sent out by the probate judge.

Q. How long had he lived in the State?—A. About 10 or 12 years.

Q. How long had he been living in this county?—A. All the time.

Q. How long had he lived in that precinct?—A. About six or seven years.

Q. How old is he?—A. Twenty-one years old in October.

Q. Had he registered?—A. Yes.

Q. Did Wilburn Alldridge vote in that election?—A. I don't know.

Q. I will ask you if it isn't a fact that the Republicans took charge of that election and ran it pretty much to suit themselves?—A. At one time it looked pretty much like they was doing that.

Q. Isn't it a fact that they crowded around the polls and caused considerable confusion for a while?—A. Yes, sir; they came pretty near getting up a fight there in the ginhouse.

Q. I will ask you if it isn't a fact that they came there in a great drove very much agitated and excited, very boisterous and noisy, and with a seeming determination to storm the polls and take charge of the election?—A. No; I do not think they seemed to want to take charge of it, only at one time. That was when some of them challenged some one whose name did not appear on the poll

list. When they got up the argument about old man West, I believe it was, they all just rushed in and crowded the house and they could not do anything.

Q. Did both men and women take part in this?—A. No; some of the women got out when it came up.

Cross-examination:

Q. You was the official returning officer at that election, was you, Mr. Daverson?—A. Yes, sir.

Q. You have served in that capacity before in that precinct?—A. Yes; I think I served once before.

Q. You have served as a deputy sheriff of Marshall County?—A. Yes.

Q. You have served as marshal of the town of Albertville in this county?—A. Yes.

Q. You was armed there at that election on this occasion?

(Objection by contestee.)

A. No; I was not armed.

Q. You knew and understood that it was your official duty as returning officer at that election to see that it was conducted in an orderly way?—A. Yes.

Q. Two of the inspectors who were there in charge of that election were Democrats?—A. Yes.

Q. Will Lusk, one of the clerks, who you now say is a Republican, had until recently been a Democrat, and was appointed a clerk by the Democratic officials of Marshall County to represent the Democratic Party in the holding of that election, was he not?—A. I don't know about that.

Q. You do know, do you not, that the probate judge, the clerk of the circuit court, and the sheriff of Marshall County, who constitute the board for appointing all election officers in this county, are all Democrats?—A. To know it I do not, but I have heard that they appoint the election holders.

Q. You know all three of these officials well and intimately, do you not?—A. Yes.

Q. You know them all three to be Democrats, do you not?—A. Yes.

Q. You say at one time there was a threatened difficulty at this polling place, do you not? Who was bringing on this difficulty and who was taking part in it?—A. Frank Farmer, Z. T. Sparks; could not say who all. Frank Farmer came in there to see if they wouldn't let old man West vote without challenging him—without signing the challenge oath, and they got up a talk over it and from that the house got full. They got so loud I got Frankie Farmer to go out of the house.

Q. How long was the registrars at the voting place in Hooper beat?—A. They might have been there an hour and they might not have been there that long. They registered everybody that was there.

Q. Your recollection is they registered about 27?—A. My recollection is somebody told me they registered about 27.

Q. Your best judgment, Mr. Daverson, about how many white women live in Hooper precinct, or beat 24, Marshall County, who are above the age of 21 years, and could register and vote if they had proper opportunity and desired to do so?

(Objection by contestee.)

A. Just a rough guess, I would say about 165.

Q. About how long is beat 24 and about how wide in miles?—A. In longest place about 9 miles long, widest place about 7 miles.

Q. So far as you know, the registrars of Marshall County did not advertise and fill any other appointment in that precinct except the two places you have testified about?—A. No; I did not hear of it.

Q. You are a very active Democrat, are you not, Mr. Daverson?—A. I try to be.

Q. Did you carry the registrars into that beat at other time to register women?—A. I did not.

Q. Speaking of the difficulty or near difficulty at the polling place, I will ask you if it is not a fact that there was threatened trouble there on that day growing out of the fact that Democratic workers at the polls were telling and circulating a report to the effect that Warren G. Harding, the Republican candidate for President, was part Negro?—A. I never heard any trouble about that out there anyway.

Q. You do know that that report was being circulated out there, do you not, Mr. Daverson?—A. I don't remember hearing it there that day, but I had heard it talked all around; I believe I had read it in the paper.

Q. Will you name any paper that you ever saw that story published in before the election?—A. I do not believe I can.

Q. Charley Benson, your son-in-law, had been gone from this State for quite a time to California, had he not?—A. About six months, I think.

Q. In making the count at your home when you would come to a straight Republican ticket, you would just announce to the clerks that it was all Republican, and the same with regard to the Democratic tickets?—A. Yes; that is what they asked me to do.

Q. It is possible, is it not, Mr. Daverson, that you in your zeal as an active Democrat may have called some Republican ballots Democratic ballots?

(Objection by contestee.)

A. I don't think I made any mistake in calling them. If I had, it would have been corrected there. They were looking on while I called, and the ballot was then passed to others.

Q. Who was it who was looking on while you called the ballots?—A. Jimmie Moore, Burton Smith part of the time; Did Sparks and Wat Harrison part of the time.

Q. The Republicans during the holding of the election, you say, crowded about the polling place?—A. Sometimes.

Q. There was considerably more Republicans around the polling place throughout the day than there was Democrats, was there?—A. Well, I don't know about that.

Redirect examination :

Q. Do you know of any woman in Hooper precinct over the age of 21 who did not register?—A. Yes; lots of them; I do not know how many. Two of them on my place I offered to take them to Guntersville and let them register, and they would not come. They were both Republicans.

Q. Isn't it a fact that there were as many Democratic women who did not register nor did not care to register as there were Republicans?—A. I believe there are about as many Republicans who did not register as there were Democrats.

Q. Do you know of any woman who did not register for the lack of an opportunity to register?—A. No, sir.

Q. Have you heard of any woman who desired to register and did not get to register?—A. I heard of one—Mrs. Shelton.

Q. Is she a Democrat or a Republican?—A. I have heard she was a Democrat.

Q. Is Frankie Farmer a Democrat or a Republican?—A. A Republican. He had been out of the State 9 or 10 months and came back and voted. He was still living in Tennessee when he voted; had sold out his property here.

Q. How long before the election was it that he came back?—A. I think he came back on Monday night, and the election was on Tuesday.

Q. How long did he stay after the election?—A. Don't know; my recollection is he said he had to go back right away.

Q. Has he been back here since the election?—A. I have not seen him.

Q. Did Charley Benson ever move his citizenship?—A. He said he never did. He always claimed this as his home.

Q. Did he live at your house?—A. He was living there when the election was on. *

Recross-examination :

Q. Do you know whether Frankie Farmer ever moved his citizenship away from this State?—A. Do not; his name was on the polling list.

Q. Did you see Farmer vote?—A. No; I seen him with a ticket.

Q. Did you or any other Democratic official at that election challenge Frankie Farmer's vote?—A. No; his vote was not challenged as I know of.

Q. Give us the names of as many of the Democratic women of beat 24 as you can who did not register.—A. Mrs. J. W. Reagan, sr., Mrs. J. M. Swords, Miss Clyde Belue; John Reagan's wife did not register. I do not know what her politics is; her father is a Republican, her husband is a Democrat. Babe Todd's wife, Joe Pegues's wife had not registered the first time I heard from her. She is a strong Democrat, her father is a strong Democrat, and her husband is a strong Democrat. That is all I think of.

Q. Do you know whether these women failed to register for lack of opportunity or simply refused to register?—A. I think most of them refused to register.

Q. Mr. Shelton's wife, whom you say failed to register; do you know what her politics is?—A. I have always heard she was a Democrat.

Q. Do you know that she failed to register at the recent registration?—A. No; I heard she didn't.

Q. Her husband, Mr. Shelton, is a staunch Republican, is he not?—A. They tell me he is.

J. H. DAVERSON.

W. H. HYDE being called, testified as follows:

Q. Your name is W. H. Hyde, is it?—A. Yes.

Q. Where do you live and are you a qualified voter of that precinct?—A. Boaz, Ala., and am a qualified voter of that precinct.

Q. Was you appointed as returning officer in the November election, 1920?—A. I was.

Q. Was you present at the polling place of that precinct all day?—A. I was.

Q. I will ask you if it is not a fact that several Republicans voted there that day who were not legal voters in that precinct?—A. I do not know whether they were legal voters or not. Mr. Cooley and Mr. Battles had sold what they had there and moved to Mississippi; they both came back and voted.

Q. When did they come back?—A. They landed there about one or two days before the election.

Q. Who else?—A. Van Higgins, from Tennessee, came back and voted.

Q. How long had these people been away from Boaz?—A. My recollection is that they had been away something over a year, they had made crops away from there in Tennessee and Mississippi.

Q. Were they Democrats or Republicans?—A. Republicans.

Q. Were their ballots counted?—A. Yes; there wasn't any objection raised; they just came in and voted.

Q. Do you know of any other illegal votes?—A. No; I don't know that I do.

Q. Isn't it a fact that the Republicans took charge of the polls there that day, practically so?—A. They certainly did in the morning.

Q. Did they appear greatly agitated and excited?—A. They all crowded up there. I opened the door and they got to crowding up so that I had to shut one side of the door.

Q. Isn't it a fact that several Republicans who were not election officers remained inside of the voting place during the time the polls were open?—A. Yes; there was two or three that went in there and stayed during the day. I asked them out twice, and they promised me both times they would get out in a few minutes, but they didn't go.

Q. Isn't it a fact that they electioneered there with the voters all day and caused considerable confusion?—A. I hardly know how to answer that. I was at the door and I could hear them talking; I could not hear what they were saying.

Q. Isn't it a fact that they caused considerable confusion?—A. I think they did. I asked them to go out and I sent for the marshal to come and he came and asked them to get out twice, and they promised him they would, but never did go.

Q. Isn't it a fact that Mrs. Dr. Noel, who is a sister of Mr. C. B. Kennamer, who was a candidate for Congress, stayed in the polling place all day, and electioneered with the voters for Mr. Kennamer?—A. She was one of them, and I suppose that is what she was doing, marking tickets. Oce Dodd was one of them.

Q. Did the registrars fill their appointment at Boaz, as advertised?—A. They did.

Q. How long did they remain at Boaz to register voters?—A. One day.

Q. Did they register all the women, who applied for registration, regardless of politics?—A. They did, so far as I know.

Q. Do you know of or have you heard of any who did not register who applied for registration?—A. No.

Q. Was the appointment well advertised?—A. Yes.

Q. How long had it been advertised?—A. Do not remember; something like a week best I can remember.

Q. Do you know of anyone in that precinct who wished to register who did not have the opportunity to register?—A. Do not.

Cross-examination :

Q. The morning of the election in Boaz, it was raining very hard, wasn't it, Mr. Hyde?—A. It rained some after the polls was open, a slow rain.

Q. More than 900 votes were cast at that box that day was there not?—A. I think there was something over 900.

Q. As many or more women than men?—A. Yes; as many or more women than men.

Q. So far as you know or as you are informed, the Democratic officials of Marshall County had made no effort whatever to provide a voting place for every 300 voters in that precinct as provided by the laws of this State?—A. If they made any I don't know anything about it.

Q. You do know that under the present election laws each voter is allowed five minutes in the voting place to make out his or her ballot?

(Objection by contestee.)

A. That is the way I understand the law.

Q. Name all of the election officers who helped to hold the election at Boaz, Marshall County, November 2, 1920.—A. H. G. Bailey W. W. Creel, Ambrose Haley, E. F. Whitman, J. D. Pruett, and George Cox. Ambrose Haley took W. W. Creel's place. Haley and Whitman took the places of some other election officers.

Q. These changes were made by mutual consent, were they not?—A. That is what Col. Bailey informed me.

Q. Col. Bailey served as an inspector throughout the day, did he not?—A. He did.

Q. Col. Bailey is an attorney at law and a pronounced Democrat, is he not?—A. He is.

Q. Mr. E. F. Whitman, who served as an inspector, is also a Democrat, is he not?—A. He is.

Q. George Cox, who served as a clerk, is a Democrat, is he not?—A. He is.

Q. And you, Mr. Hyde, you are a pronounced Democrat, are you not?—A. I am.

Q. As returning officer you had general supervision of the election, had you not?—A. I reckon I was supposed to have.

Q. During the progress of the election throughout the day there was other Democrats in and about the polling place marking ballots for voters other than the parties you have named, was there not?—A. There was not, except in the evening Mr. Bynum's daughter came in and stayed in there a while.

Q. She marked tickets while in there, did she not?—A. I do not know whether she marked any or not; she was back there something like an hour.

Q. Is that all that you now remember?—A. That's all.

Q. Is it not a fact, Mr. Hyde, that Mrs. Will Creel was in the polling place a good portion of the day, taking a very active part in the marking of ballots?—A. I have no recollection of her being in there.

Q. At that election there that day each voter was permitted by the managers to select any person they desired to mark their ballots, was there not?—A. If there was it was unknown to me; the managers asked me several times to get them out of there, that it was not legal; I asked them to go out; they said they would go out in a few minutes, but they didn't go.

Q. What managers was it that asked you to get these people out?—A. I don't know whether I could say just which ones it was.

Q. Who was it you requested to get out?—A. Dr. Noel's wife and Oce Dodd was the two that came in early in the morning and stayed during the day.

Q. Do you now recall anyone else you requested to get out?—A. No; there was no one else in there but them two.

Q. You knew at that time that Dr. Noel's wife and Mr. Oce Dodd were both supporting C. B. Kennamer for Congress, did you not?—A. Well, I would suppose Dr. Noel's wife was; I knew Dodd was.

Q. You at one time threatened to put these parties out, did you not, Mr. Hyde?—A. I did not; I just went to them twice and asked them to get out.

Q. When they failed to get out you went to the town marshal of Boaz and asked him to come and put them out, did you not?—A. I told someone to tell the marshal to come down there.

Q. He came, didn't he?—A. He came.

Q. He tried to get Mr. Dodd and Mrs. Noel to get out of the polling place, did he not?—A. Yes; he asked them to get out and they promised they would, just like they did me.

Q. You knew that the town marshal of Boaz was a supporter for L. B. Rainey for Congress in that election, did you not?—A. He was not; he does not vote.

Q. You knew he was very bitterly opposed to the election of the Republican candidate for Congress, did you not?—A. I never heard him express himself.

Q. The people were crowding in rather fast trying to vote, were they not, Mr. Hyde?—A. They certainly was.

Q. Mrs. Noel and Mr. Dodd were engaged most of the time assisting voters in the preparation of their ballots, were they not?—A. They were.

Q. Did you hear even Mrs. Noel or Mr. Dodd electioneer with any voter as to how they should vote?—A. I did not.

Q. Numerous Democrats came into the polling place throughout the day and assisted the voters in the preparation of their ballots, did they not, Mr. Hyde?—A. Mr. Bynum's daughter assisted a few of them in the evening.

Q. Before Mr. E. F. Whitman became an inspector did you not see him in the polling place marking ballots?—A. I did not.

Q. Did you see Mrs. Will Creel at any considerable length of time in the polling place?—A. I do not remember seeing her at any time.

Q. You was very active there that day in behalf of the Democratic Party yourself?—A. I was not.

Q. You had been very active for a month preceding the election in behalf of the Democratic Party and its nominees, had you not?—A. After registering day there when I see what was going on I got pretty active from then on.

Q. You became very much wrought up in the closing days of the campaign?—A. I worked pretty hard.

Q. You told numerous people in Boaz and in this county during the last days of the campaign that Warren G. Harding, the Republican nominee for President, was part Negro, did you not?—A. I did not; I told a few of them what northern people coming there had told, but I didn't believe it.

Q. When you would repeat this story to people, did you tell them then that you did not believe it?—A. No; I don't think I did; I always told them who told it.

Q. Do you remember on one occasion pointing to a picture of Harding in a window and calling Mr. L. P. Dooly's attention and remarking to him while pointing at the picture that you knew or believed that Harding was part Negro; that you could see the Negro in his eyes?

(Objection by contestee.)

A. I remember about that picture business, but it was just in a joke; we were always guying each other; we laughed about it.

Q. Do you mean to say now, Mr. Hyde, that the story which was circulated throughout this country in the campaign by the leading supporters of L. B. Rainey in this district, was so circulated as a joke? I mean the story about Harding being part Negro?

(Objection by contestee.)

A. That is all I meant by it; I thought they were taking it the same way.

Q. The people who you testify about having moved to Mississippi and returning to Boaz to vote, do you know whether they have moved to Mississippi with the intention of making that their permanent place of abode?—A. I do not know what their intention was; I know they sold everything they had here and moved down there and was living there.

Q. You know of some ballots being cast for the Democratic nominees where the voters had moved out of the State, did you not?—A. I don't remember any one.

Q. Do you know Mr. Warnick, who formerly lived at Boaz?—A. I think I know him.

Q. Is it not a fact that he moved to the State of Mississippi some time prior to the recent election, and that he, his wife, and his daughter all cast absentee voters' ballots at Boaz in that election?—A. I do not know.

Q. Do you remember Mr. W. H. Bartlett, who was at that time badly paralyzed and shortly afterwards died, being brought to the polling place, and a request was made that he be furnished a ballot just outside the door, and the Democratic inspectors objecting and requiring that he be brought into the polling place to cast his ballot?—A. I remember they brought him there to the door, and I told them to bring him in and set him on a bench there by the

door, and they brought him a ballot and he filled it out, or somebody did for him.

Q. Was not there a request made for him to be furnished a ballot on the outside?—A. I did not know anything about it if there was.

Q. Do you remember Mr. Jack Hubbard bringing a Democratic lady in his car to the polling place and two of the Democratic election officers carrying her a ballot out to the car and permitting her to make her ballot out there?—A. I don't remember anything about that.

Q. Do you remember Mr. E. H. Creel being in and about the polling place considerably throughout the day?—A. I don't remember seeing him any more after he went in and voted.

Q. Did you see Mr. E. H. Creel marking a number of ballots?—A. Don't have no recollection of it if he did.

Q. He is a Democrat, is he not?—A. I think so.

Q. Did you see Mrs. Tom Pullen in and about the polling place marking tickets?—A. Well, if she was in there marking any I don't have any recollection of it.

Q. Did you see any Democrat there at all marking any tickets that day?—A. I saw Mr. Bynum's daughter marking some.

Q. Was you watching the Republican markers closer than you was the Democratic markers?—A. I was not.

Redirect examination:

Q. How many Republicans helped to hold the election at Boaz?—A. Mr. Haley, J. D. Pruett, W. W. Creel stayed in there all day after Mr. Haley taken his place.

Q. And there were three Republicans helping to hold the election were there?—A. After Mr. Haley took Mr. Creel's place Mr. Creel stayed in there and helped mark ballots all day; that is about all I saw him do. I think it was agreed on for him to stay there as a watcher.

Q. Boaz is one of the strongest Republican precincts in the county, isn't it?—A. I think it is.

Q. I will ask you if it isn't a fact that there are a great many wealthy, influential Republicans living in Boaz who take a great interest in politics and who are very partisan Republicans?—A. Yes.

Q. Isn't it a fact that during this election they left their business and got on the streets and stayed night and day and in the rain and the cold and electioneered from early morning till late at night for the Republican ticket?—A. I could not say about the nighttime; they did in the daytime.

Q. Isn't it a fact these Republicans did all in their power to intimidate Democrats who were not so fortunate in this world's goods as they were, and isn't it a fact that they grew very bitter and very extreme during the latter days of the campaign?—A. Well, I would have to say that they did; I don't say that they all did it, but some of them did all in their power to win, and they don't deny it.

Q. Isn't it a fact that it was openly charged and never denied that the Republicans in that locality spent a great deal of money in that campaign in the way of paying poll tax, gathering up Republican women to register, and in various other ways?

(Objection by contestant.)

A. They was charged with it, but I do not know anything about the truth of it. As to gathering up the women, I know something about that.

Q. Please state what you know about them gathering up the women.—A. They told me that they had organized, had committees in every precinct; these committees went around and spotted the women and got their names and then when registering day come Mr. Byers out there had one of these big trucks, with big seats all around the sides, would carry 15 or 20 at a load, and my recollection is that he hauled in about three loads on the day the registrars were there, besides several cars running; Jack Roberts run his car, and I do not know who all.

Q. Isn't it a fact that a great many of those women that were brought there to Boaz to register lived in Friendship beat and not in Red Apple beat?—A. Well, I could not say myself; they were brought from back in among the bluffs somewhere.

Q. Was there anyone in the polling place electioneering for Mr. Rainey at any time that you know of?—A. Nobody that I know of.

Q. Isn't it a fact that the Democrats were very quiet and more or less intimidated by the very extreme way in which the Republicans were carrying on and

electioneering?—A. Well, they was very quiet, and didn't many Democrats vote till in the evening.

Q. You said on your cross-examination that you got pretty active after what you saw on registering day. Please state what you saw on registering day that caused you to get active in the campaign.—A. What got me to do what I did I saw the way they were hauling them in there.

Q. I will ask you if the parties whom you testified about having moved to Mississippi and Tennessee are still living in these States?—A. Mr. Cooley is still living in Mississippi and Mr. Higgins is still living in Tennessee.

Recross-examination :

Q. Mr. Hyde, in testifying about the activity of certain wealthy influential Republicans at Boaz, did you mean to testify that they practiced intimidation of voters in that election?—A. If that means putting them in fear, or threatening of them, I don't think they did anything of that sort.

Q. All of the women you testify about the Republicans hauling to be registered, were hauled to the regular advertised appointments of the registrars, so far as you know?—A. Yes, so far as I know.

W. H. HYDE.

JACK P. HUBBARD, being called, testified as follows :

Q. Where do you live?—A. I live at Boaz.

Q. Was you at Boaz on the day of the election?—A. Yes, sir.

Q. Was you around the polling place?—A. I was there a little, not much.

Q. Did you know a man by the name of Womack that was spoken of here?—A. Yes, sir.

Q. What was his name?—A. I don't know.

Q. Did he vote at that election?—A. He told me that if he couldn't arrange to vote before he left he was going to stay till after the election.

Q. What day did he leave?—A. 28th or 29th of October.

Q. Something was said awhile ago about one of the inspectors coming out to the car to get the ballot of some lady ; I will ask you whether or not a Republican and Democratic inspector came out to the car and received the ballot of that voter?—A. They did. Col. Bailey, Ambrose Haley, and Walt Creel followed them out there to the car to receive the ballot.

Q. Walter Creel and Ambrose Haley are Republicans, aren't they?—A. Yes, sir.

Q. Isn't it a fact that on registration day at Boaz the Republicans were very active in hauling women to Boaz to register?—A. It was a fact.

Q. Did they haul them there to Boaz to register from Friendship beat and other precincts in this county to register?—A. They hauled them from Friendship to register.

Q. Isn't it a fact that a great many women registered in Boaz who lived in Friendship beat?—A. It was a fact.

Q. Can you name some of them who lived in Friendship and registered in Boaz who were brought there by Republicans?—A. Several Goble women, don't remember their names, Mrs. Fannie Cochran and daughter, Mrs. Owens, some of the Works women, something like a hundred women from Friendship registered in Boaz.

Q. Were they Republicans or Democrats?—A. They were Republicans, hauled by Republican men.

Q. Do you know of any Democratic women who registered in Boaz that lived in Friendship or any other precinct than Boaz?—A. I do not.

Q. Do you know of any Republican women in that whole country down there over 21 years of age who did not register?—A. No, sir ; I don't ; there might have been ; I did not keep up with it.

Q. Did you ever hear of any that was left out?—A. Never did.

Q. Isn't it a fact that there was so much talk down there and such a stir and excitement over the registration that if a Republican woman had been left out and didn't get to register that you would have been pretty apt to have heard it?

(Objection by contestant.)

A. I believe I would.

Cross-examination :

Q. What is your politics, Mr. Hubbard?—A. A Democrat.

Q. You are a pretty zealous kind of Democrat, aren't you?—A. No, sir.

Q. You mean to say you don't take an active interest in behalf of a Democratic Party and its candidates?—A. I never did do anything except just go and vote the ticket until the last election.

Q. You got pretty active in that campaign, didn't you?—A. I did after a little.

Q. Did you carry any women to Boaz to be registered?—A. I carried a few old ladies there in the neighborhood.

Q. You hauled a good many to the polls on election day, didn't you?—A. No; I carried about the same amount.

Q. You wouldn't say that all the women from Friendship beat who went to Boaz to register were Republicans, would you?—A. I wouldn't say that they was all Republicans, but I don't know of any Democrats that went from Friendship to Boaz to register.

Q. You remember that the board publicly announced that any voter from any precinct in the county might appear before the board at any of the public appointments of the registrars?

(Objection by contestee.)

A. I don't know it if they did. I went there with my wife to register about 10 o'clock, and there were several from Friendship standing in a row, they would register the Friendship women for a while and then take up the women from Boaz and register them for a while. I went back about 2 o'clock and they had up another row of them.

Q. They put the Friendship women on the Friendship book and the Red Apple women on the Red Apple book, didn't they?—A. Yes.

J. P. HUBBARD.

Not having time to complete the hearing on this day, the further taking of testimony in this case is continued to Wednesday, March 16, 1921.

Wednesday, March 16, 1921, 9:40 a. m., hearing resumed.

ASA B. HAMBY, being called, testified as follows:

Q. Your name is Asa B. Hamby, is it?—A. Yes.

Q. Where do you live?—A. At Arab, in Marshall County.

Q. Did you help hold the election on November 2, 1920, at Arab, Marshall County, Ala., at which election Mr. Kennamer and Mr. Rainey were candidates for Congress?—A. Yes.

Q. What position did you hold as an officer in that election?—A. I served in that election as clerk.

Q. Was you the regularly appointed clerk?—A. No; I was chosen that morning before the polls were opened.

Q. Who was appointed clerk by the election board?—A. C. W. Hewett.

Q. Was he there?—A. Yes; but said he was sick and not able to serve.

Q. Did he stay there during the day?—A. Not at the polling place.

Q. Who were the other election officers?—A. C. P. Carter, R. L. Barnard, and Jesse Knight, inspectors; E. E. Kennedy and myself, clerks; T. L. Ryan, returning officer.

Q. What is the politics of E. E. Kennedy and yourself?—A. Nationally I have been voting the Republican ticket partly; I would guess E. E. Kennedy to be a Republican.

Q. You have heard Kennedy say what his politics was; you have also heard it discussed that he was a Republican?—A. I don't know whether I have heard him discussed much or not.

Q. Don't you know that he was put on there by request as a Republican?—A. No, sir; I don't know that.

Q. You know W. C. Hewett, who was the regularly appointed clerk, do you not?—A. Yes.

Q. How long have you known him?—A. Practically all his life.

Q. What is his politics?—A. That is another hard question; the general supposition is that he is a Democrat.

Q. It is a fact that you was appointed to take his place as a clerk at that election?—A. Yes, sir; but it was done at his suggestion.

Q. The inspectors all agreed to you as clerk?—A. Yes.

Q. Please state the politics of the inspectors, if you know them.—A. R. L. Barnard and C. P. Carter are Democrats; Jesse Knight is a Republican.

Q. What is the politics of the returning officer, T. L. Ryan?—A. Democrat.

Q. Was there an orderly election at that place or was the polls crowded at times?—A. It was an orderly election, but sometimes they would be sort of crowded.

Q. Is that a Republican precinct or a Democratic precinct?—A. When Cranford beat was all together it was Republican; Arab beat was made from a part of Cranford beat.

Q. Isn't it a fact that Arab precinct, since it has been formed, has been a Republican beat?—A. Sometimes it goes Democratic and sometimes Republican.

Q. It is a fact that the Republican ticket in the last election received more votes in that beat than ever before since the beat was formed?—A. Yes, sir.

Q. Mr. C. B. Kennamer, who was a candidate for Congress from this district, had been a candidate for Congress several times prior to this, hadn't he?—A. Twice before this.

Q. He had been a candidate for other offices at other times, hadn't he?—A. He made the race for probate judge once and once for the legislature.

Q. He received a larger vote at Arab and also in Marshall County than he had ever received at any other time, didn't he?—A. Yes.

Q. Isn't it a fact that Mr. Kennamer received more votes at this election than he had at any previous election, in proportion to the number of votes cast?—A. I think he did.

Q. Was there any illegal voting at Arab?—A. None as I know of.

Q. Are you well acquainted with the people of Arab precinct?—A. Yes, sir.

Q. You know pretty well all of the people in the precinct?—A. Yes, sir.

Q. Did the registrars of Marshall County make and advertise an appointment to register women voters in Arab precinct?—A. I think they did.

Q. Did that advertisement, so far as you know, give notice to the people of the time and place of their appointment?

(Objection by contestant.)

A. I wouldn't know; I was here in Guntersville; I was not out there.

Q. Did you hear any complaint out there that the appointment of registrars was not sufficient to give the people notice of their appointment?—A. Yes, sir; I heard some talking about it.

Q. Who did you hear talking about it?—A. I heard William Cobb; heard a crowd talking; it was a sort of general conversation.

Q. Did you hear or do you know of any woman who did not register on account of not knowing of the appointment of the registrars at Arab?

(Objection by contestant.)

A. Yes, sir.

Q. Who was it?—A. Miss Lee Boyles.

Q. Is she a Democrat or a Republican?—A. Republican.

Q. Where does she live?—A. Two miles and a half from Arab.

Q. Did you hear her say she didn't know it, or did somebody tell you?—

A. Mr. Boyles, her husband, told me about it.

Q. Do you know of any other woman or have you heard of any other who did not register on account of not knowing of the appointment of the registrars?—A. Mrs. Leak.

Q. Is she a Republican or Democrat?—A. Democrat.

Q. Any others?—A. Mrs. Tom Leak, Republican; Miss Lee Hill; don't know her politics; that is about all I could name.

Q. These women all came to Guntersville and registered, did they or did they not?—A. I think Miss Boyles did; I don't know whether the others did or not.

Q. Do you know whether the others wanted to register or not?—A. I don't believe I do.

Q. Do you know how many days the appointment at Arab was advertised before the registrars were there?—A. Don't believe I recollect the exact time.

Q. Isn't it a fact that the appointments of the registrars were well advertised; that the people were talking it all around at different places; that it was advertised in the newspapers and given out publicly at different times and places in the county?—A. I think it was advertised in one paper.

Q. Was it talked?—A. I was not in out in the county to hear whether it was or not.

Q. There was no effort made on the part of the registrars to keep it a secret of their appointments from the Republican women and notify the Democratic women of the times of their appointments, was there?—A. I do not know whether there was or not.

Q. Don't you know there was not? Now, answer that Mr. Hamby.—A. I couldn't say as to that.

Q. You don't know, then, nor have never heard of any such effort on their part?—A. I don't know.

Q. So far as you know, every woman in the county who was old enough to register and who desired to register had an opportunity to register?

(Objection by contestant.)

A. Could not say that they didn't, and could not say that they did.

Cross-examination:

Q. Mr. Hamby, you are deputy tax assessor of this county under Mr. Irby, aren't you?—A. I worked for him last year.

Q. You are not now?—A. I have only been working part of the time; Mr. Huckaby is working now.

Q. Mr. Irby is a Democrat?—A. Yes.

Q. You supported the Democratic ticket in the recent election in whole or in part, didn't you?—A. In part.

Q. When the count was made at Arab you yielded your place as clerk to Mr. Hawk, a Democrat, didn't you?—A. Yes.

Q. During the campaign you were kept at the courthouse most all the time by your duties as tax assessor, was you not?—A. Yes.

Q. Mr. Irby himself was sick at that time?—A. Yes.

Q. He hasn't been in the office a single day since October 1, has he?

(Objection by contestee.)

A. No, sir.

Q. You have not instituted any inquiry to ascertain who did or did not register and the reason why each one did not register, have you?

(Objection by contestee.)

A. No, sir.

Q. You have only been in three or four beats of the county during the campaign and since the election?—A. Yes; that would be about all.

Redirect examination:

Q. Mr. Hamby, you stated on your direct examination that you voted a National Republican ticket; you voted for Mr. Kennamer for Congress, did you not?—A. Yes.

Q. You worked and talked for him, during the campaign?—A. I can say this, when I was out and was talking about the Representative, I favored Mr. Kennamer; talked in favor of him; wasn't out in the campaign any.

ASA B. HAMBY.

J. K. HUCKABY, Sr., witness for contestee, being called, testified as follows:

Q. Your name is J. K. Huckaby, is it?—A. Yes.

Q. Where do you live, Mr. Huckaby?—A. Guntersville, Ala.

Q. Were you one of the managers of the election at Guntersville on November 2, 1920?—A. Yes.

Q. Do you remember one Dewey Brock voting at said election?—A. Yes.

Q. Will you please state so the commissioner can record it as near as you can what was done and said about that vote?—A. Dewey came in there to vote, and he had a new registration certificate and I asked him if he wasn't too old to have such a certificate as that; I told him I thought he was over 21 years old when the registrars met, and I think he said he was not; he voted, and then he went out and they got up a squabble. Mr. Barnes, I think, said it was illegal. Mr. Early Nix came in at that time and said that he had registered to go to the war one or two years before that as being over the age of 21. I suggested we send out and get Mr. Brock and let him take his ticket out. He came back and offered to take it out. Mr. Kennamer's markers objected, and we just let it go in. That was all except a little jaw back and forth between Brother Barnes and Mr. Kennamer's markers, Mr. Windol Kennamer, Tal Long, and young Mr. Street.

Q. Up to this time the ballot had not been placed in the box, had it? I mean up to the time of his returning the second time?—A. It had been put in the box.

Q. Do you know what ticket Mr. Brock voted?—A. I saw Mr. Windol Kennamer make his ticket.

Q. Is Mr. Windol Kennamer a brother to Mr. C. B. Kennamer?—A. Yes.

Q. Do you know who placed Dewey Brock's ballot in the box?—A. Yes.

Q. Who?—A. Dewey Brock.

Q. Did Mr. C. B. Kennamer, the candidate for Congress, have some markers and watchers at that election in Guntersville?—A. Yes.

Q. Who were they?—A. His brother and T. C. Long.

Q. Did Mr. Rainey have any markers?—A. I don't think he did; I think some of the managers marked for him.

Q. When you state some of the election managers marked for Mr. Rainey do you mean that they marked when called on by the voter, or do you mean that they volunteered their service?—A. I mean they marked when called on by the voters.

Q. Who was the returning officer of the election at the election?—A. W. C. Rayburn.

Q. Did you see the returning officer offer to mark anybody's ballot unless he was solicited to do so by the voter?—A. I don't remember that I did.

Q. Did you hear anybody around the polls or hear of anybody around the polls soliciting votes or volunteering their services to mark tickets except Mr. C. B. Kennamer's brother and one T. C. Long, who had been appointed by Mr. Kennamer as his ticket marker?—A. No; I don't know that I did.

Q. Isn't it a fact that Mr. T. C. Long, who was designated by Mr. C. B. Kennamer as a ticket marker, caused a great deal of confusion and annoyance to the voters as well as to the managers of the election, of his insistence to mark tickets for the voters?

(Counsel for contestant protests against the extremely leading character of the questions being asked by the counsel for contestee of this witness, who is certainly not shown to be unfriendly to contestee.)

A. Yes; that is a fact.

Q. Did you hear the returning officer threaten to put him out unless he quit meddling with the voters?—A. I did.

Q. Do you remember a man by the name of Sims applying to the managers for a ticket to vote?—A. I don't specially call that to mind.

Q. Do you remember a man by the name of Sims calling for a ballot and using these words or this language: "I want a ticket to vote the straight Republican ticket" and Mr. Sterling Tidwell, one of the managers of the election, replied: "We have no such tickets here," and Mr. Sims turned to leave the polling place, and Mr. C. B. Kennamer called Mr. Sims back and told Mr. Tidwell there at that time that he was an inspector of that election and had no legal right to treat a voter that way?—A. No; I don't remember it.

Q. Do you remember anything like that that occurred?—A. I don't remember everything that came up in there, except such matters as came up between me and some one else, where I challenged a vote or something like that; remember some, but not everything.

Q. Was there at any time during the progress of the election, when the polls were badly congested by partisan Democrats, as many as 25 or 30 at a time attempting to vote and causing considerable confusion, or anything like that?—A. Several times the polls were congested by as many as could get in the house; we would have to ask them to wait until their time come.

Q. Isn't it a fact that both Republicans and Democrats voted at the same time, and if there was any congestion it was as much on the part of Republicans as Democrats?

(Counsel for contestant renews his protest against the leading character of the examination.)

A. Certainly, they just all came in together. Most of the congestion was caused by the ladies that came in.

Q. Do you know of any person applying for a ballot to vote who was a legal voter and whose name appeared on the legal voting list being denied the right to vote?—A. I do not.

Q. Do you know of the appointuents of the registrars to register the women voters of this county?—A. I might have saw it in the paper.

Q. I will ask you whether or not those appointments were pretty thoroughly advertised all over the county?

(Objection by contestant.)

A. I do not know, of my own knowledge, but very little about it.

Q. Please state what you have heard in regard to the advertisement of the appointment.

(Objection by contestant.)

A. I have heard it from both sides; I don't think that ought to go down; I may not understand the question.

Q. What I mean by that, Mr. Huckaby, not as to the discussion between parties as to whether or not the appointments were advertised or were not advertised. What I want to know is what you know and have heard talked

about the advertisement of the appointments of the registrars to register the women voters in the county.

(Objection by contestant.)

A. I understood that it was generally advertised.

Q. Do you know of anyone who was qualified to register at that time who did not register on account of not knowing of the appointments of the registrars?—A. No.

Cross-examination :

Q. Brother Huckaby, you were in the town of Guntersville during the whole of the campaign, wasn't you?—A. All except two days. I was out of the county two days.

Q. What two days were those?—A. 29th and 30th of September, I think.

Q. You have not instituted any inquiry throughout Marshall County to ascertain the names of persons who did not register or the reason why they did not?—A. No.

Q. You spoke about Mr. Rayburn, the returning officer, telling Mr. T. C. Long that he would put him out of the polling place if he did not quit interfering with the voters. Did you hear Mr. Rayburn tell Mr. Long that if he didn't quit marking ballots for the Republican ticket that he, Rayburn, would get out and organize an opposition and defeat Mr. Long's father for justice of the peace?—A. I did not.

Q. You don't know about Mr. Rayburn going to Mr. Luther Long and telling Mr. Luther Long that if they didn't take Tal. out of the voting place that he would organize an opposition against their father?—A. No, sir.

Q. Mr. T. C. Long did quit marking ballots before the election closed, didn't he?—A. If my memory serves me right, after Mr. Rayburn threatened to put him out of the house if he didn't quit meddling with the voters, he didn't mark any more.

Q. Did you hear all of the conversation that occurred between Mr. Rayburn and Mr. T. C. Long?—A. Yes; practically all.

Q. There was about an hour during the day that there wasn't anyone present as marker for the Republican ticket, wasn't there?—A. I don't remember; I think Mr. Kennamer, Mr. Windol Kennamer, or Mr. Long was present all the time, except about three-quarters of an hour I was gone to dinner I didn't know about.

Q. What did you hear Tal. Long say to any voter in the voting place?—A. He would usually meet them at the door and ask them if they wanted him to mark their ticket, and sometimes when other parties would be marking tickets he would walk up and look on or suggest something about the votes.

Q. Mr. Long was also acting as marker for his father for justice of the peace, was he not?—A. He said he came in there to mark for Mr. Kennamer. I don't know about his marking for his father, but suppose he was.

(Objection by contestee as to that part of the answer which supposes.)

Q. The name of the candidate for justice of the peace had to be written on the ballot, did it not?—A. Yes.

Q. And Mr. Tal Long's father was a candidate for justice of the peace?—A. Yes, sir.

Q. His father is a Democrat, isn't he?—A. He claims to be now, I think.

Q. You speak about Dewey Brock voting. Who first raised the question about his right to vote?—A. If I remember correctly, myself and Mr. Street.

Q. You were a Democrat and Mr. Street was a Republican?—A. Yes, sir.

Q. What did Brother Barnes and Mr. Tidwell have to say when that question was raised?—A. It seems to me that Brother Barnes said let him vote when he first came in; don't remember Mr. Tidwell saying anything; think I challenged him.

Q. What was it that was said about the wink?—A. After we talked some little bit about it he voted. Brother Barnes said then there had been a dirty deal pulled; that he didn't think he had any right to vote; some of them said he did have a right to vote; and Barnes said again, "There has been a dirty deal pulled here; did you see that wink?" Mr. Nix came in about that time and said that man wasn't a legal voter or something of that kind. I asked some one to bring Mr. Brock back.

Q. Is that all that was said about the wink?—A. I don't remember.

Q. Who was Brother Barnes addressing himself to when he said, "Did you see that wink?"—A. He was talking to all of us.

Q. Did Mr. Barnes say who gave the wink?—A. He did not.

Q. Mr. Barnes became angry and excited, did he not?—A. He was a little excited.

Q. He is the pastor of the Baptist Church of this town?—A. Yes.

Q. He was a pretty strong, zealous Democrat, wasn't he, Mr. Barnes?—A. Yes; he is a Democrat.

Q. After the election was over that day, if you didn't state to the election board that everything had been carried on about the election in a gentlemanly way?—A. With the exception of the Dewey Brock incident, and Mr. C. B. Kennamer came in there and marked three tickets, when I did not think he ought to, with that exceptions I think the election was fairly conducted—sure it was.

Q. It was early in the morning Mr. C. B. Kennamer marked those ballots?—A. Yes; not long after the polls were opened.

Q. Did anyone express the opinion to Mr. Kennamer that he should not mark a ballot?—A. Yes, sir.

Q. And after that he marked no other ballots?—A. No.

Q. Did you hear the voter request Mr. Kennamer to mark those ballots?—A. No, sir.

Q. Who was it that said to Mr. Kennamer that he did not think he should mark a ballot?—A. I did.

Q. Brother Barnes, when that Dewey Brock incident occurred, threatened to have Brock arrested if he didn't withdraw his ballot, did he not?—A. Yes; that is the reason we sent out for Brock. Mr. Brock agreed to take out the ballot and then some one called him out of the house—I don't know who—and they said just let it go.

Redirect examination:

Q. Did Mr. Long's father have any opponent for the office of justice of the peace in that election?—A. He did not.

Q. Did you hear Mr. T. C. Long electioneer any for his father?—A. No.

Q. Tell all that occurred that was said in that conversation that Mr. Street asked you about when some one winked.—A. I have told in substance about all that occurred in that Dewey Brock matter that I now remember.

Q. Do you know about the registrars registering voters other than those who came to the courthouse to register or to the regular appointments?—A. I only know of the registrars registering two women up there by me.

Q. Were they Republicans or Democrats?—A. One of them was my brother's wife; she is an invalid, and she asked me to get the registrars to come up there. I don't know what her politics is; her folks are Republicans. The other one was Mrs. Kelley, who lived there by me; she is a Republican. That is all I ever saw them register outside the courthouse.

Recross-examination:

Q. The registrars made these two registrations at your request, did they not, Mr. Huckaby?—A. One of them, my brother's wife, was at my request; the other was not.

Q. Your brother, whose wife was registering, is a Democrat, is he not?—A. I cant' say about that; he has always voted for Charley Kennamer, and mixed his ticket generally.

Q. Do you not know it to be a fact that in the recent election he was a very pronounced advocate of the League of Nations and often said he would like to vote for C. B. Kennamer if it was not for the fact that C. B. Kennamer was a very pronounced opponent of the League of Nations?—A. Yes; that is a fact.

Q. Mrs. Kelley did not vote in the recent election, did she?—A. I don't think she did; pretty sure she did not. Neither did Mrs. Huckaby.

J. K. HUCKABY, Sr.

S. P. TIDWELL, witness for contestee, being called, testified as follows:

Q. Your name is S. P. Tidwell, is it?—A. Yes.

Q. Where did you live prior to the November election, 1920?—A. I lived in Guntersville beat, Marshall County, Ala.

Q. What is your politics?—A. A Democrat.

Q. Did you help to hold the November election in 1920; if so, what position did you hold?—A. Yes, sir; inspector.

Q. How many Democrats and how many Republicans were there helping hold that election?—A. My understanding was there was two Republicans and, counting the returning officer, four Democrats.

Q. Do you remember one Dewey Brock voting at that election?—A. Yes.

Q. What ticket did he vote, Democratic or Republican?—A. Republican. I understand.

Q. Do you know who marked that ticket for him and who helped him to vote it?—A. I do not.

Q. Tell all that you can now remember that occurred about that vote.—A. Well, the young man came in there and said his name was Dewey Brock, holding a paper in his hand, claimed to be a registration certificate, and I gave him a ticket and he voted it; I don't remember who made it out. After he voted he went out of the room. Mr. Nix came in and told the inspectors that he was more than 21 years of age; that he had been drawn in the first draft in the Army. That is about the time Brother Barnes raised up about the crooked deal; and we sent some one after him, and he came back and wanted to withdraw his ticket; my recollection is that Mr. Street and Mr. Kennamer objected, and we let it go in.

Q. What Mr. Street and Mr. Kennamer was that?—A. O. D. Street, jr., and C. B. Kennamer.

Q. Mr. Tidwell, I will ask you if you remember at any time during the election a man by the name of Sims, a very old man, calling for a ballot to vote, using these words: "I want a ticket to vote the straight Republican ticket," and that you replied to him in these words: "We have no such tickets here," and that Mr. Sims walked away, whereupon Mr. C. B. Kennamer, who was then a candidate for Congress, called to him to come back and told you there at that time that you was an officer or an inspector of that election and had no legal right to treat a voter in that way?—A. I don't remember a word of it. I don't remember speaking to Mr. Kennamer that day.

Q. Do you know Mr. T. C. Long?—A. Think I do.

Q. Was he around the polling place that day?—A. He was.

Q. Was he there pretty much all day?—A. He was.

Q. What was he doing there, who told him to stay there, and for what purpose was he there?—A. My understanding was that he was a marker for Mr. C. B. Kennamer, who was a candidate for Congress.

Q. Did Mr. L. B. Rainey, who opposed Mr. Kennamer for Congress, have anyone appointed there to mark tickets for him?—A. I don't know of anyone.

Q. If Mr. Long—Mr. Tal Long—caused any confusion there that day, please state as well as you remember just what it was.—A. Well, there was some talk there about Mr. Long meddling around there and not being a citizen of the county until it was reported that he was Mr. Kennamer's marker, then I think we just let him go.

Q. He stayed there all day and marked tickets for Mr. Kennamer?—A. My understanding was that is what he was there for.

Q. Did Mr. Long electioneer with the voters who came there to vote and insist on allowing him to mark their ballot for them?

(Counsel for contestant again renews his protest against the very leading character of the examination.)

A. I think he did.

Q. Did you hear anything said or any threat made by W. C. Rayburn, the returning officer, to Mr. T. C. Long threatening that if he didn't stop working for Mr. C. B. Kennamer for Congress that he, Rayburn, would organize a crowd against his father, who was a candidate for justice of the peace in Guntersville beat, and beat him; did you hear that or anything like that?—A. I don't remember anything about such as that happening; you, Mr. Rayburn, was requested to see why Mr. Long was so busy in there, not being a citizen of the county. That's all.

Q. Where did Mr. Long live?—A. Birmingham, Jefferson County, I suppose.

Q. Was he a legal voter of this county?

(Objection by contestant.)

A. I could not say; he has been away from here more than two years.

Q. Do you know whether or not his name was on the legal voting list furnished by the probate judge?—A. Do not.

Cross-examination:

Q. When Mr. Brock came in to vote, who was the first person who questioned his right to vote?—A. My recollection was it was Mr. Street.

Q. What did the other inspectors then say about him?—A. If my recollection serves me right, Mr. Brock came in and presented a paper claiming it as his

registration receipt, and I don't remember of the other inspectors saying anything about it at that time.

Q. What did Brother Barnes say when Mr. Street raised a question about Brock's right to vote?—A. Barnes said that he thought he was a legal voter.

Q. Now, Brock had voted and gone out before Early Nix came, hadn't he?—A. He had.

Q. And Nix came in and claimed that Brock was not a legal voter?—A. Yes; and said that he registered in the first draft then as being 21 years old.

Q. And Mr. Nix or Mr. Barnes, one or both of them, threatened to have Brock arrested, didn't they?—A. Well, Barnes was wrought up, and I think he said he was going to prosecute him for voting illegally.

Q. What was it Mr. Barnes said about seeing somebody wink?—A. I don't remember anything.

Q. After Mr. Barnes said "Let him vote," you saw Windol Kennamer fix his ballot?—A. I did not.

Q. You don't know, then, who fixed his ballot?—A. Do not.

Q. Brother Barnes got pretty angry didn't he?

(Objection by contestee.)

A. He seemed to be wrought up pretty smartly.

Q. T. C. Long was reared in this town, wasn't he?—A. Yes, sir.

Q. His father still lives here, and all of his brothers and sisters still live here, don't they?—A. I think they do.

Q. Do you know what his occupation is?

(Objection by contestee.)

A. Don't know.

Q. He voted here that day, didn't he?—A. I think so.

Q. You don't remember anyone challenging his right to vote, do you?—A. Do not.

Q. He has voted at other elections here since he has been living at Birmingham, hasn't he?

(Objection by contestee.)

A. Don't know.

Q. What ticket did T. C. Long vote?—A. He claimed to be a Republican.

S. P. TIDWELL.

J. E. NIX, being called, testified as follows:

Q. Your name is J. E. Nix, is it?—A. Yes, sir.

Q. Where do you live?—A. Guntersville.

Q. What is your politics?—A. Democrat.

Q. Do you hold an office in Marshall County? If so, please state what office you hold.—A. Clerk of the circuit court.

Q. Did you, during the war, hold a position in drafting men for the Army?—A. Yes; I was a member of the local board of Marshall County.

Q. Do you know Dewey Brock?—A. Yes.

Q. I will ask you if he came before your board in 1917?—A. No, sir.

Q. Did he register for the Army service?—A. Yes, sir.

Q. When he registered was it necessary to give his age?—A. Yes; that was one of the questions asked.

Q. What age did he give then, if any, when he was drafted for service in the Army?

(Objection by contestant.)

A. I don't remember the age.

Q. Did he register as being over the age of 21 years?—A. He registered as being between 21 and 31 years of age.

Q. Have you charge of the official records showing his registration?—A. I have not.

Q. Where are they?—A. They are in Washington.

Q. Have you a copy of the registration book or of the names which appeared on the registration book of those who were drafted for service?—A. Yes; I have an alphabetical list of all those who registered in the county on June 5, 1917.

Q. Will you please read into the record what it shows with regard to Dewey Brock?

(Objection by contestant.)

A. Yes, sir. This is what the caption or heading of the list shows: "The State of Alabama, Marshall County. The following is a list of those who pre-

sented themselves for registration for military service on June 5, 1917." And Dewey Brock's name appears with those who registered in beat No. 2, Cross Roads.

Q. Did you make that list from the original list?—A. Yes; I made this list from the original registration cards.

Q. Did you know at the time that you made the list that it was correct?—A. It was correct to the best of my ability to make it correct.

Q. Do you remember the occasion of Dewey Brock voting or offering to vote in the November election 1920?—A. Yes, sir.

Q. Please state all you know about his voting or offering to vote.—A. Some one called my attention to Dewey Brock trying to vote or voting, and I went into the voting place here at Guntersville where he was voting and told the managers that I didn't think he was a legal voter, but he voted anyway.

Q. Did you know at the time you appeared before the election managers what ticket Dewey Brock voted, or was trying to vote or what his politics was?—A. I did not know of my own knowledge.

Q. Do you know now what ticket he voted?—A. No; not of my own knowledge.

Q. Do you now remember what was said in regard to his voting when you appeared before the managers of the election with regard to his voting?—A. My recollection is when I got in the voting place he had a ticket and Mr. Windol Kennamer was assisting him and the ticket my recollection is was deposited while I was in there. Don't remember anything that the managers said.

Q. Who deposited the ticket in the box?—A. I don't remember.

Q. I will ask you if Windol Kennamer spoken of by you is a brother of C. B. Kennamer, the candidate for Congress?—A. Yes.

Cross-examination:

Q. Before you went into the polling place where Brock was about to vote you thought you knew what ticket he was going to vote, did you not?

(Objection by contestee.)

A. I just merely had an idea.

Q. And that idea was that he was going to vote a Republican ticket, wasn't it?—A. I didn't know what ticket he was going to vote.

Q. But you believed when you went into the voting place that Brock was going to vote a Republican ticket, did you not?

(Objection by contestee.)

A. I believed he was going to vote a Republican ticket when I got in there.

Q. You believed that before you started in there didn't you?

(Objection by contestee.)

A. Don't know why I would, I did not have anything that would make me.

Q. Who informed you that he was in there trying to vote?—A. Don't remember now.

Q. Did you look at the registration list that you referred to a moment ago before going into the voting place?—A. No; I referred to it just a few minutes ago before I came up here.

Q. That the first time you referred to this list with regard to Dewey Brock?—A. Yes; I did not know I had the list till a few days ago.

Q. It was a Democrat that told you that Dewey was trying to vote wasn't it?—A. I don't remember, don't remember who it was.

Q. Did your informant tell you that Windol Kennamer had come with Brock to the voting place?—A. I don't think they did, my recollection is that Windol Kennamer was acting as one of the election managers at that time.

Q. After Brock went out you threatened to have him prosecuted didn't you?—A. No, sir; I might have told him that he might be punished for it.

(Objection by contestee as to that part of answer as regards, "I might.")

Q. You heard Brother Barnes threaten to have him arrested that day?—A. No; I did not hear it. Did not stay in the polling place very long.

Q. Did you hear Brother Barnes's remark to Mr. Huckaby about somebody winking?—A. No; I just heard of it.

J. E. NIX.

The further hearing of this cause is continued to Thursday, March 17, 1921.

THURSDAY, MARCH 17, 1921—8.45 A. M.

Hearing resumed.

J. B. STEARNES, witness for contestee, being called, testified as follows:

Q. Your name is J. B. Stearnes, is it?—A. Yes.

Q. Where do you live?—A. I live in beat 7. Claysville, 4 miles north of Guntersville, Ala.

Q. What is your politics?—A. I am a Democrat.

Q. Do you hold a position of any kind in the Democratic Party?—If so, please state what it is.—A. I do. I am chairman of the Marshall County Democratic executive committee; am also tax adjuster for Marshall County.

Q. Did you act as one of the election officers in the election held November 2, 1920, in Claysville precinct, at which election C. B. Kennamer and L. B. Rainey were opposing candidates for Congress from the seventh congressional district of Alabama?—A. Yes; I was returning officer.

Q. Was you at the polls all the time or practically so during that day?—A. I was.

Q. Was there any illegal votes cast there that day or any person voting whose name did not appear on the voting list or list of legal voters?—A. My recollection is that there was four voted that was not on the qualified list.

Q. Will you please state if you know who they were?—A. William Powell and his wife, Homer Smith, and the other one is a boy that lived with old man Powell; I forget his name.

Q. Do you know whether the parties above named voted the Democratic ticket or the Republican ticket?—A. Three of them voted the Republican ticket and the other one said he voted it.

Q. Do you know Homer Smith?—A. I do.

Q. How long have you known him?—A. From his infancy.

Q. Did his name appear on the list of legal voters prepared by the probate judge for Claysville beat No. 7, Marshall County, Ala.?—A. It did not.

Q. Do you know whether or not he is a legal voter? If you say you do, please state all you know about it.

(Objection by contestant.)

A. All I know is his name does not appear on the record.

Q. What age man is he?—A. He is somewhere between 25 and 30 years old.

Q. Did all of these parties named above vote a challenge vote or did they vote without signing a challenge oath?

(Objection by contestant.)

A. They were not directly challenged, and did not sign a challenge oath. I called attention to the fact that their names were not on the legal voting list. The managers said, Well, let them go.

Q. Did the managers know what ticket they proposed to vote?—A. I don't know whether the board was paying any attention to it or not, but old man Bill Powell come out with an oath and said he was going to vote a Republican ticket.

Q. Did he say that loud enough and within the hearing of all of the election officers?—A. He was within 6 or 8 feet of the table where the election managers were sitting when he said it.

Q. Did he say it loud enough for them to hear it?—A. They could have heard it, of course, if they had been paying any attention.

Q. How long had William Powell and his wife and boy lived in this State at that time?—A. I don't know, of my own knowledge; he had only been in Claysville precinct about a year.

Q. Where did he move from to Claysville beat?—A. He said he come from Texas.

Q. Are those the only votes cast at that election which were illegal, in your judgment?—A. All that I have any knowledge of.

Q. Please name the election managers and to what political party they belonged?—A. C. F. Chandler, inspector, Republican; S. H. McDonald, inspector, Democrat; J. W. Walker, inspector, voted mixed ticket; A. J. Sulcer, clerk, Democrat; Jess Smith, clerk, sometimes votes one ticket and sometimes another, and sometimes mixes his ticket. I was returning officer. I have stated I am a Democrat.

Q. Do you know of a list of election managers being furnished the probate judge, circuit clerk, and sheriff who compose the election board of Marshall County, Ala., said list being furnished by the Republican committee of

Marshall County, with the request that a clerk and inspector be appointed to represent them at each election precinct in Marshall County for that election?—A. I have seen a list that was on file in the probate judge's office.

Q. Do you know whether or not one of this list or one of the names from this list was appointed by the election board to serve as election manager for each precinct in this county?—A. I do not; I do not know of any other precinct except my own; there were two of the names that were on that list that were appointed.

Q. Is it your understanding and information that a clerk and inspector were appointed for each precinct in this county as requested by the Republicans?—A. My understanding is that the election managers from the different precincts were appointed from lists of names filed by the chairman of the Republican executive committee and the chairman of the Democratic executive committee.

Q. Please state what the politics of Claysville precinct is.—A. A large majority are Democrats.

Q. Do you know of the appointments advertised by the registrars of Marshall County to register the women voters of the county?—A. I know nothing about it only as advertised on the south side of the river.

Q. Did you in anyway assist the registrars in making a list of appointuents for the places or appointments made by them on the south side of the river?—A. I did, but the appointments were changed before they reached the south side of the river and so published in the newspaper.

Q. Then you did not assist them, did you, in making the appointments of their rounds on the south side of the river as they were published by them?—A. I did not.

Q. Please state what day it was or how long it was after they made the appointments which you say you assisted them in making for the north side of the river before the appointments were filled by the registrars.—A. Saturday afternoon before they crossed the river on Monday to go to registering on the north side of the river.

Q. Please state, if you know, just how these places on the north side of the river were advertised?—A. I know how they were to be advertised, but as to whether they were so advertised, I do not know.

Q. How were they to be advertised?—A. By public announcement at the different churches and Sunday schools on Sunday before they were to begin registering on Monday—Saturday night and Sunday. It was announced in Claysville beat on Saturday night, before they were over there on Monday morning. It was announced at church. I announced it myself publicly.

Q. Was there a good attendance at church when you announced it? And did you announce the place and hour that the registrars would meet?—A. There was a large crowd, the house was full. I also announced the place and hour they would meet.

Q. Do you know whether or not they met at the place about the hour as announced?—A. Only from hearsay, my information is that they did; I was here at my office.

Q. Was there any effort made or anything done to keep the Republicans from learning of these appointments that you know of or heard of?—A. Nothing that I know of or even heard of.

Q. Is this about all, as well as you remember, that you did with regard to the registration in this county?—A. Yes.

Q. Are you acquainted with Marshall County and the location of different places in the county?—A. I am.

Q. Have you in your possession a map of Marshall County showing the location of the different places in the county which were advertised as appointments to register the voters of the county—I mean the women voters?—A. I have a map that is approximately correct.

Q. Will you please attach to your answer that map so marked as it may be identified?—A. I herewith attach the map marked Exhibit No. 1.

Q. Were the appointments marked on this map advertised as the appointments of the registrars?—A. On the south side of the river, yes.

Q. You mean by saying on the south side of the river they were advertised in the newspaper? How were they advertised on the north side of the river?—A. Advertised on the north side of the river by announcement in the different churches and Sunday schools and by any other way we could get it around. I mean they were advertised on the south side of the river by advertisement in the newspaper.

Q. Do you know the politics of the people on the north side of the river?—A. I would say they were mixed. When they vote on strict party lines they always vote Democratic—that is, a majority of them.

Q. You have stated that Claysville precinct was a Democratic precinct. Will you please state the politics of the other precincts on the north side of the river, if you know them?—A. Honey Comb is majority Democratic; Paint Rock generally goes Democratic; Buck Snort goes Democratic one election and Republican another, you can hardly locate it; Kennamer's precinct is Republican; Wrights precinct is largely Republican; Bosharts is generally Democratic.

Q. What precinct is North, Cottonville, Cushion, Bucksnot, Grant, Kennamers Cove, Swaengin, Columbus City, and Preston in?—A. North is in Claysville precinct No. 7; Cottonville is in Honey Comb precinct No. 10; Cushion is in precinct No. 11, Paint Rock; Bucksnot is precinct No. 19; Grant is in Bucksnot precinct on the line of Wrights and Bucksnot; Kennamers Cove is precinct No. 9, Kennamers; Swaengin is in Wright's precinct No. 23; Columbus City is in Bosharts precinct No. 8, and Preston is in Bosharts beat No. 8 near the county line.

Q. Isn't it a fact that Kennamers precinct and Wrights precinct are about the strongest Republican precincts on the north side of the river?—A. They are.

Q. In what precinct is McCormick's store?—A. Kirby's precinct, No. 17.

Q. Is that precinct Democratic or Republican?—A. A majority of them are Republicans.

Q. Please state, if you know, why it was that the registrars did not publish in the newspaper the appointments on the north side of the river?

(Objection by contestant.)

A. Because they did not have time to get the appointments in the paper and make the round.

Q. Do you mean by that that they did not have time to cover the county and advertise their appointments in a newspaper after they were appointed registrars?—A. If they had waited to advertise in the newspaper they wouldn't have had time to make the round over the county; my recollection is they only had four or five days in which to make the round over the county after they were appointed.

Q. After they made their round over the county they were at Guntersville and Albertville several days, were they not, as required by law?—A. I think so.

Q. Do you know of a woman in Marshall County who was qualified to register and who desired to register, but who did not register on account of not knowing of the appointments of the registrars?—A. I do not.

Cross-examination:

Q. You have been chairman of the Democratic executive committee of Marshall County, Ala., for several years, have you not, Mr. Stearnes?—A. I have been chairman for only three or four years; have been a member of the committee for 20 years.

Q. Hon. W. C. Rayburn, counsel for contestee, is secretary of that committee, is he not?—A. He is.

Q. In the recent campaign you and Mr. Rayburn both were very active, zealous supporters of L. B. Rainey for Congress, were you not?—A. Not only for L. B. Rainey, but for the whole Democratic ticket, from top to bottom.

Q. You was doing everything you could in what you conceived to be a legitimate way to bring about the election of all of the Democratic nominees?—A. Yes.

Q. After the registrars of Marshall County were appointed, and on Saturday before they commenced the registration of voters in your home precinct on Monday, you was in conference with and consulted with the registrars of Marshall County in regard to their appointments over the county, did you not?—A. I was.

Q. Do you remember Mr. Emmett Walker being in that conference part or all of the time?—A. He was part of the time.

Q. Mr. Emmett Walker was at that time the Democratic nominee for county commissioner on the north side of the river, was he not?—A. He was.

Q. What precinct did Mr. Emmett Walker live in at that time?—A. Honey Comb precinct No. 10.

Q. Do you know or can you name any Republican in Marshall County or any Republican on the north side of the river in Marshall County who was told of

or notified of the appointments of the registrars for the north side of the river on that Saturday?—A. I can not.

Q. You went to the north side of the river on Saturday afternoon to your home with the knowledge of the coming of the registrars to your precinct the following Monday, did you not?—A. I did.

Q. Mr. Emmett Walker went to his home with like knowledge the same afternoon, did he not?—A. I don't know whether he went home or not.

Q. Did not Emmett Walker inform you before he left Guntersville that evening that he would go into his section and advertise these appointments?—A. He informed the board of registrars there in my office that he would go into every precinct on the north side of the river and advertise their appointments for Monday and Tuesday following that Saturday.

Q. So far as you know no other advertising of the appointments on the north side of the river was made other than as you have already testified about in your direct or cross-examination?—A. There was not so far as I know.

Q. Claysville precinct No. 7, the precinct you live in has for years voted from 80 to 95 per cent Democratic, as a rule, has it not?—A. About 90 per cent Democratic, always has been.

Q. You testified about William D. Powell and his wife and Homer Smith and another young man voting whose names were not on the legal voting list, would you swear that all the other parties who voted at Claysville in that election names appeared on such list?—A. I do not; these are the only ones the question came up about.

Q. Most of the people who were voting at Claysville that day were voting the Democratic ticket and no questions were asked, were they not?—A. A majority were, if their names did not appear on the poll list on the qualified list, something was said about it, some of them would bring up the question.

Q. Was there any other man than C. F. Chandler who helped to hold that election on that day who you would classify as a Republican in his political affiliations?—A. I classify him and Jess Smith in the same line.

Q. Two of the inspectors, one of the clerks, and the returning officer for that election in that precinct was appointed on the recommendation of you as chairman of the Democratic County Executive Committee of Marshall County, were they not?—A. Don't think I made any recommendation for the returning officer at all.

Q. Did you recommend two of the inspectors and clerk?—A. That is my recollection.

Q. You made a like recommendation for every precinct in Marshall County, did you not?—A. I did.

Q. So far as you know, your recommendations was followed by the appointing board of this county in every instance.—A. It was not.

Q. Name the exceptions.—A. In Thompson precinct I recommended one man that was not put on the board, that is all I can call to mind.

Q. You recommended in every instance men who you understood to be staunch Democrats, did you not?—A. I did.

Q. You recommended men whom you believed would be alert to protect the interest of the Democratic party at each voting place, did you not?—A. Yes, sir.

Q. Mr. W. C. Rayburn, who was to a great extent in charge of the campaign of L. B. Rainey in Marshall County, was recommended, and was appointed returning officer for Guntersville precinct, was he not?—A. Don't remember whether he was recommended or not.

Q. It is your understanding he was so appointed, is it not?—A. It is.

Q. You was appointed and served in a like capacity in Claysville precinct, did you not?—A. I did.

Q. Please state the duties of returning officers in elections in Marshall County, Ala., as you understand such duties in that election.—A. First duties to open the polls, see that there is no violation of laws committed in the presence of the election managers or within 60 feet of the polls, to close the polls at the proper time, to receive the election returns after the polls are closed and the final count of the ballots is made, and to deliver it to the sheriff of Marshall County within either 36 or 48 hours, I do not remember which.

Q. Do you not understand, Mr. Stearnes, that under the law of Alabama, a returning officer, during the progress of the election in and about the polling place has all the legal rights and duties of a sheriff or his authorized deputies?—A. He shares that responsibility.

Q. You know the three registrars of Marshall County, do you not?—A. I do.

Q. Are they Democrats or Republicans?—A. They are known as Democrats.

Q. You hold an appointive office in Marshall County under the present governor of Alabama, do you not?—A. I do.

Q. The same governor appointed the three registrars for this county, did he not?—A. My information is he did.

Q. As chairman of the county Democratic executive committee, or as an appointee of the governor, you at times make recommendations to the governor of persons to be appointed in this county, do you not?—A. In three instances, only.

Q. In making up the list of appointments for the registration of voters in Marshall County on the Saturday you was in conference with the registrars, was any Republican at any time called in to the conference?—A. There was not.

Q. At that time you all made a list, I believe you say, for the entire county, but that such list was later changed as to the south side of the river, can you tell us or furnish us with the list as first agreed to?—A. I can not.

Q. Do you know what changes were made, and if so, when made?—A. My recollection is that the appointments as published was an entirely different list to the first list agreed to for the south side of the river.

Q. Please give the names of all the parties you remember who were called into or who came into the conference while these appointments were being discussed or made up on that Saturday.—A. I can not. It first started in the commissioner's court room, Tom Orr, and I do not know how many more were there, the doors were open and anybody could come in that wanted to, and we came up to my office and got a map of Marshall County to locate the places; I did not pay any particular attention to who was in there.

Q. Can you name anyone else who was in the commissioner's court room when you were discussing the appointments with the registrars and before you came up stairs to your office than Thomas Orr?—A. Except the board of registrars, I can not remember any, there were several.

Q. Tom Orr is the present representative in the legislature for Marshall County, and he is a Democrat, is he not?—A. He is.

Q. When you came upstairs to your office who came with you, and name as many as you can who came in later?—A. My recollection is Mr. Johnson and Mr. Scruggs, and if anyone else came in at that time I do not remember it.

Q. The Mr. Johnson and Mr. Scruggs you refer to were two of the registrars, were they not?—A. Yes.

Q. Do you remember Mr. Emmett Walker coming in later?—A. I do.

Q. Do you remember anyone else?—A. I am not sure whether anyone or not; there were several coming in and out during the examination of the map.

Q. While you and the registrars were in your office the door was kept closed, was it not?—A. It was; it is always kept closed when I am in there.

Q. On that Saturday when this list of appointments was made up the circuit court of Marshall County was in session in the court room with just a door between your office and the court room, was it not?—A. Think court had adjourned before we came out of my office that evening.

Q. About what time did you all come out of your office?—A. My recollection is it was between 4 and 5 o'clock.

Q. About what time did you all go to work making up or discussing these appointments that morning?—A. The first discussion came up, I think, about 11 o'clock.

Q. Do you know how long prior to that time the registrars for Marshall County had been appointed?—A. My recollection is that the official notices came in that morning.

Q. Do you know about how many days was given to the registration of voters of Marshall County outside of the towns of Albertville and Guntersville?—A. I think four or five; don't know exactly which.

Q. Do you know how many days the registrars sat in the town of Albertville and Guntersville for the registration of voters?—A. I do not.

Q. Do you know about how many days they were advertised to sit at such places?—A. I think they were here three days and at Albertville two days.

Q. Albertville and Guntersville are both very strong Democratic places in Marshall County, are they not?—A. The majority of them are Democrats.

Q. I hand you the record from the probate judge's office of Marshall County, Ala., containing record of official returns of the election held in this county the 2d day of last November. Please state from that record the number of

votes cast in that election for L. B. Rainey for Congress and for C. B. Kennamer for Congress in precincts No. 4, Albertville; No. 7, Claysville; and No. 1, Guntersville.—A. Precinct No. 4: Rainey, 847; Kennamer, 400. Precinct No. 7: Rainey, 159; Kennamer, 23. Precinct No. 1: Rainey, 456; Kennamer, 142.

Q. Claysville precinct, No. 7, is just across the river from Guntersville and comes to within about a mile of the courthouse, does it not?—A. Tennessee River divides the precincts; it is a mile and a half from here to the north side of the river.

Redirect examination:

Q. I will ask you, Mr. Stearnes, if it isn't a fact that Guntersville precinct and Albertville are courthouse towns in Marshall County, Ala.?—A. They are.

Q. I will ask you to read into the record section 32 of the registration law which was passed at the last special session of the Legislature of Alabama and under which the women voters were registered.—A. (Reads:) "Section 32. Registration at courthouse.—During each day of the week beginning on October 19, 1920, except Sunday, the board of registrars must sit at the county site to register all persons entitled to register. Where there are two courthouses in the county, the board of registrars must divide the time for sitting at the county site between the two courthouses as they deem best. If there are more than two courthouses, the board of registrars shall elect the two courthouses at which they will sit."

Q. I will ask you what day the registration books were closed and in that connection will ask that you read into the record section 31 of the same act?—A. Don't know the day the registration books closed, but will read section 31. [Reads:] Section 31. Time for registering.—For the purpose of registering all voters who have become qualified since January 5, 1920, the board of registrars shall upon the approval of this act sit for the purpose of registering all persons who are entitled to register and remain in session each day thereafter, except Sunday, up to and including Tuesday, the 26th day of October, 1920. Said board of registrars may sit at such places in the county as it deems most convenient for the public and best suited to accomplishing the registration of those entitled and desiring to register at any time prior to Tuesday, October 19, 1920."

Q. Please state when that act was approved.—A. Approved October 2, 1920.

Q. Was there any effort on the part of anyone to make the appointments of the registrars secret, so far as you know?

(Objection by contestant.)

A. Not that I know of. They wanted all the publicity they could get.

Q. Do you know of or have you heard of any meeting being held by the registrars behind closed doors? I mean by closed doors where no one else was admitted.—A. No.

Q. Was there a meeting held in your office with the registrars and others in regard to making these appointments?—A. There was.

Q. Was that a secret meeting?—A. It was not.

Q. Who was present at that meeting?—A. Two members of the board of registrars in there and myself; Emmett Walker was in there part of the time, and possibly others; Johnston and I made those appointments; people were passing in and out; I never looked up to see who was coming in and who was going out. We were trying to get the appointments as near in the center of population as we could.

Q. What was discussed at that meeting?—A. Nothing discussed.

Q. Was there ever at any time within your knowledge any effort made to keep any person who was qualified to register from having an opportunity to do so?—A. There was not.

Recross-examination:

Q. You stated in your direct testimony, Mr. Stearnes, that so far as you had any knowledge there was no woman in Marshall County who was entitled to register who had failed to do so for lack of opportunity. Have you made any inquiry or effort to learn of such persons?—A. I have not.

(Exhibit No. 1 to deposition of J. B. Stearnes, map of Marshall County, Ala., omitted in printing.)

J. B. STEARNES.

J. WILLIS PARRISH, being called, testified as follows:

Q. Your name is J. Willis Parrish, is it?—A. Yes.

Q. In what precinct do you reside?—A. In Reedbrake precinct No. 2, Marshall County, Ala.

Q. Are you a Democrat or a Republican?—A. I am a Democrat.

Q. Was you one of the election managers in the election of November 2, 1920?—A. Yes.

Q. Who were the other managers, clerks, and returning officer of that election?—A. S. A. Hambrick, J. I. Dean, and myself were inspectors; L. L. Woozencraft and W. E. Avery were clerks; J. D. Currier was returning officer.

Q. Please state the politics of these election officers, if you know.—A. S. A. Hambrick, Democrat; W. E. Avery and myself and J. D. Currier are Democrats; J. I. Dean and L. L. Woozencraft are Republicans, to the best of my knowledge.

Q. Did these officers superintend holding the election and counting the ballots and were they all present all the time?—A. They were.

Q. Do you know of the appointments of the registrars to register the voters in your precinct?—A. Yes.

Q. What appointments were advertised by the registrars for your precinct?—A. Nixon's Chapel and Concord.

Q. Are these places centrally located and easily accessible in that precinct?—A. I think they are.

Q. Was you present at either of these appointments?—A. I was.

Q. About how many women appeared for registration at the place you attended?—A. While I was there I would guess there were 50 or 75.

Q. At what place did you attend?—A. Nixon's Chapel.

Q. What time did you get there and how long did you stay?—A. I guess I got there about 1 o'clock; stayed about an hour.

Q. Please state how these appointments were advertised in your precinct and how long before the day appointed for registration.—A. Four or five days, to the best of my knowledge; they were advertised by circulars, to the best of my knowledge.

Q. Do you know of or have you heard of anyone in that precinct who did not know of these appointments?—A. I have not.

Q. Do you know of anyone in that precinct who was qualified to register and who desired to register that did not register?—A. I do not.

Q. Or have you heard of anyone?—A. I have not.

Q. Is that precinct a Democratic precinct or Republican?—A. The majority is Republican.

Q. Did most of the people or, I will say, practically all of the people in that precinct who registered, register in the precinct and not at Guntersville or Albertville, the courthouse towns?—A. To the best of my knowledge, the majority of them registered in the precinct.

Q. Do you know of anyone in that precinct registering at Guntersville or Albertville?—A. I do not.

Q. Do you know of anyone running a car in that precinct to register voters—that is, carrying those who desired to register to the appointments of the registrars in that precinct?—A. I did; at Nixon's Chapel.

Q. Who was it?—A. It was Mr. Charles McNaron's car, but his boy, Guy, was driving it.

Q. Is Mr. McNaron a Democrat or a Republican?—A. Republican.

Cross-examination:

Q. So far as you know, practically every Democratic woman of Reedbrake precinct No. 22 registered and voted who desired to?—A. As far as I know, they did.

Q. You know of but few Democratic women who left the precinct to register?—A. I don't know of but very few.

Q. Do you now recall any at all? If so, name them.—A. Mrs. Mollie Hambrick. It seems to the best of my recollection Mrs. Ocie Norton left the precinct to register.

Q. Do you know where these two ladies went to register?—A. I do not.

Q. What is your information about that?—A. I have heard they went to Jim Scruggs's.

Q. Jim Scruggs was one of the registrars and lived in an adjoining beat to Reedbrake beat, did he not?—A. He does.

Q. Could you tell us approximately how many women registered at Nixon's Chapel and how many registered at Concord the day the registrars were there?—A. At Nixon's Chapel I would guess there were 75; at Concord, I don't know.

Q. About how many women registered in all in Reedbrake precinct?—A. I would guess about 200.

Q. You did not know that the Republicans of Reedbrake precinct hauled to Albertville and to Guntersville more than 100 women, did you?—A. No; I did not keep up with it; they didn't get them all out of the precinct; I guess they got some of them out of Blount County.

Q. Name the ones that you know who were hauled from Blount County to Guntersville or Albertville, and tell what Republican it was who hauled them—I mean what you know about it.—A. I do not know what Republican hauled them, but Mrs. Lucy Borden came from Blount County; she is the only one I positively know of.

Q. How long was the registrars advertised to remain at Nixon's Chapel and at Concord?—A. I don't remember.

Q. How far is Concord from Nixon's Chapel?—A. I guess it is 2 miles or 2½ miles.

Q. Don't you know that the registrars were advertised to be at Nixon's Chapel at 1 p. m. and at Concord at 1.45 p. m. and at Douglass Academy, their next appointment in Friendship beat at 2.15 p. m.?—A. No, I do not; I do know that Douglass Academy is not in Friendship precinct.

Q. What precinct is Douglass Academy in?—A. If it was at Morton's store it was beat 22 or if it was at the Church house it was beat 22.

Q. If it was at Douglass Academy, the schoolhouse, what precinct was it in?—A. Friendship.

Q. Was the appointments advertised about as I have indicated?—A. To the best of my knowledge they was.

Q. As best you can and to the best of your judgment tell us about how many miles long and about how many miles wide Reedbrake precinct is.—A. I guess it is 5 miles from the beat line to the county line across one way, the other way about 6 miles.

Q. It is a rather thickly settled community is it not?—A. North part of it is.

Q. About how far is Reedbrake precinct in the main, or say, the voting place, from Guntersville and from Albertville?—A. From Guntersville to Concord I would guess it was about 17 miles. From Albertville to Concord I would guess about 12 miles.

Q. You have heard of the registrars, one or more of them, returning to Reedbrake precinct and making some registrations after the day they were up there filling their advertised appointments have you not?

(Objection by contestee.)

A. No; I have not.

Q. Four of the election officers for the holding of the election in Reedbrake precinct were Democrats and two were Republicans were they not?—A. Best of my knowledge they were.

Q. In your judgment did the Democrats in charge of the holding of that election hold a fair, honest election and declare the result honestly as shown by the count?—A. As best we could we did; the way it was managed.

Q. Would you say there was any dishonesty practiced in the holding of that election?—A. Well, it is owing to what you call dishonesty. I would think there was.

Q. Then there was not an honest election, in your judgment, on that day in Reedbrake precinct?—A. I think not.

Q. What was it that you and your colleagues did in the holding of that election that was dishonest?—A. I don't think we did anything.

Q. You mean to say by that that the election officers, so far as you know, conducted an honest election?—A. I answered that a while ago. I said as best we could.

Q. State who it was, in your judgment, who practiced fraud, or who was dishonest in the holding of the election at Reedbrake precinct on November 2, 1920.—A. I could not say who all did; there was 75 or 100 in the house; I could not see them all.

Q. Can you, or will you, name one person who you say committed a fraud or a dishonest act in connection with the holding of that election?—A. I can't say.

Q. Whose duty was it under the law to see that that election was conducted in an orderly, legal way?

(Objection by contestee.)

A. I don't know.

Q. And you was serving there as one of the inspectors?—A. Yes.

Q. So far as you know, there was only one voting box or place provided for the election in Reedbrake precinct?—A. So far as I know.

Q. Tell us about how many votes were cast in that election at that box that day.—A. To the best of my knowledge, there were 345.

Redirect examination:

Q. So far as you know, every Republican woman in Reedbrake beat registered and voted, didn't they?—A. So far as I know, they all registered, and I think all but one voted.

Q. Do you know of any Republican woman who left the precinct to register?—A. As far as knowing, I do not; I was busy at work.

Q. Where was the registration of voters held at Douglass Academy?—A. I don't know.

Q. You said that Mrs. Lucy Borden, a woman from Blount County, registered in Marshall County?—A. Yes.

Q. Was she a Republican or Democrat?—A. To the best of my knowledge she voted a Republican ticket.

Q. Did she vote at the election in Reedbrake?—A. She did.

Q. Was there other people who came from Blount County and voted in that election at Reedbrake?—A. Positively, I can not say, but I have heard Mary Miller did.

Q. Was she a Democrat or Republican?—A. To the best of my knowledge she was a Republican.

Q. Did you see her there on the day of the election?—A. Not that I remember.

Q. So far as you know, did the registrars fill their appointments at the time and place advertised?—A. They did.

Q. You stated on your cross-examination that you did not think an honest election was held in Reedbrake precinct; did you have reference to any dishonest act on the part of the managers of the election, or was it on the part of the voters?—A. I think it was on the part of the voters.

Q. Do you know of any Democrat who voted at that election who was not a qualified legal voter?—A. I do not.

Q. Do you know of any Republican who voted at that election in Reedbrake beat who was not a legal qualified voter?—A. Not personally, I don't; unless the ones I have mentioned.

Q. You stated in your cross-examination that there were from 75 to 100 in the house during the election and that you could not see all that was done; please state to what you had reference there.—A. You could not see what they were doing, and in my honest opinion I do not think they could intelligently vote and hand in the ballot the way we were crowded.

Q. Was it Democrats or Republicans who crowded the house.—A. I think it was both.

Q. I will ask you if that was a rainy morning and all the people who came there early came in the house?—A. To the best of my knowledge it was raining part of the time.

Q. Were the votes counted for the parties for whom they were cast at that election?—A. I think they were.

Recross-examination:

Q. Mr. Parrish, you have testified that in your judgment there was dishonest acts on the part of voters at Reedbrake precinct at that election. I will again ask you to name one voter and tell of one dishonest act by such voter.—A. I don't know that I could name one.

Q. For Republicans to crowd up to the place of voting or to come in the house out of the rain or to manifest an eagerness to vote the Republican ticket is either fraudulent, dishonest, or unfair in your judgment, is it not?—A. I said both Democrats and Republicans came in the house. No; I don't think that is fraudulent.

Q. As a whole, in proportion to their numbers, would you say that the Republicans at that election there that day were any more unfair than the Democrats?—A. I don't know that they were; I never said they were

Q. Did you know that Mr. Hamp Lowery, who himself was not a legal voter, acted as marker for the Democratic Party at that election there that day?—A. To the best of my knowledge he did not.

Q. Would you say that to the best of your knowledge Hamp Lowery did not mark tickets there that day?—A. To the best of my knowledge Hamp Lowery did not mark tickets.

Q. Then you did not know that Hamp Lowery, a Democrat, marked the ballot of the lady, Miss Mary Miller, who you testified about?—A. No; I didn't know it.

J. WILLIS PARRISH.

J. D. CURRIER, witness for contestee, being called, testified as follows:

Q. Your name is J. D. Currier, is it?—A. Yes.

Q. Where do you live?—A. Reedbrake beat.

Q. What is your politics?—A. Democrat.

Q. Was you one of the election managers of the November election?—A. I was returning officer.

Q. Are you well acquainted with the people of Reedbrake beat?—A. A majority of them.

Q. How long have you lived in that precinct?—A. About 20 years.

Q. You know practically all of the voters, then, of Reedbrake beat?—A. A majority of them.

Q. Do you know of any person, either Democrat or Republican, who was qualified to register and who desired to register, but did not have an opportunity to register while the registrars were in that precinct, or who did not know of the appointments of the registrars in that precinct?—A. I knew one woman that was a Republican that said she didn't register because her husband didn't want her to, but later she did register at Albertville. I do not know of anyone who did not know of the appointments.

Q. Do you know of anyone in that precinct who desired to register and did not register?—A. I do not.

Q. Do you know of anyone or have you heard of anyone in that precinct or anywhere else in Marshall County who was qualified to register and who desired to register and who did not get to register?—A. I do not.

Cross-examination:

Q. Have you made any special inquiry, Mr. Currier, to ascertain whether or not there is any considerable number of women in Reedbrake precinct who did not register because of proper opportunity?—A. I have not.

Q. When you state you know of no such women you simply mean to say you have no knowledge as to whether there is such cases or not?—A. I can only say is that all I know in my community have all registered.

Q. But you do not mean to say that you know about all cases?—A. No; I do not about the entire beat.

Redirect examination:

Q. Do you mean that you do not know of nor have you heard of anyone who was qualified to register and desired to register who did not get to register on account of not having an opportunity to register?

(Objection by contestant).

A. I have not.

J. D. CURRIER.

W. E. AVERY, being called, testified as follows:

Q. Your name is W. E. Avery, is it?—A. Yes.

Q. Where do you live?—A. In Reedbrake beat No. 22.

Q. Are you a Democrat or Republican?—A. I am a Democrat.

Q. Did you help hold the election in Reedbrake beat as one of the officers?—

A. Yes; I was clerk.

Q. Are you well acquainted with the people in Reedbrake precinct?—A. Very well acquainted.

Q. How long have you lived in that precinct?—A. Twenty-odd years.

Q. Have you heard the question of the registration of voters in that precinct discussed by the people; if so, to what extent?—A. I have not.

Q. Do you know of the appointment of the registrars in that precinct to register voters before the last election?—A. I do.

Q. Do you know of anyone who desired to register at that time and who was qualified to register at that time who did not register on account of not knowing of the appointments, or have you heard of such a one?—A. No, sir.

(Cross-examination :

Q. Mr. Avery, you have not instituted or made any special or general inquiry over Reedbrake precinct, in order to ascertain whether there are a considerable number of women who were eligible for registration and who failed to register on account of lack of convenient opportunity to do so, have you?—A. I have not.

Q. Do you know about how many white women over 21 years of age reside in Reedbrake precinct?—A. I would say 400.

Q. Do you know approximately how many women registered?—A. About 250. I misunderstood the question next above, about the number of women in the beat; I would place the number in the beat at 275.

Q. You helped to hold the election at Reedbrake precinct that day, did you?—A. Yes sir.

Q. I will ask you if in your judgment and opinion it was fairly and honestly conducted?—A. I think so.

W. E. AVERY.

ROBERT H. WILLIAMS, witness for contestee, testified as follows :

Q. Your name is R. H. Williams, is it?—A. Yes.

Q. Where do you live?—A. Guntersville, Marshall County, Ala.

Q. What is your politics?—A. I am a Democrat.

Q. Do you know Cooper McNaron?—A. I do.

Q. Did you know him prior to November 2, 1920?—A. I did.

Q. What position do you hold in the probate office of Marshall County, Ala?—A. Probate clerk.

Q. Do you know of Cooper McNaron making application to the probate judge of Marshall County, Ala., for an absentee ballot?—A. I do.

Q. Did you receive that application from him?—A. Yes; it came to the probate judge, and I received it.

Q. Did you send him an absentee ballot?—A. I did not.

Q. Please state why you did not send him the ballot?—A. Because his name did not appear as a legal voter of Marshall County.

Q. Will you please read from the record of legal voters in which his name appears the way his record appears?—A. The name of Cooper McNaron appears on the official list of legal voters, page 46, probate office of Marshall County; the marks which indicate the years in which he is a legal voter are the years 1917 and 1918; he is not checked as a legal voter in the years 1919 and 1920.

Q. Have you a list of people who paid poll tax for the years 1919 and 1920, as prepared and furnished the probate judge of Marshall County by the tax collector for Marshall County?—A. I think we have; I think I can find them. According to the records Cooper McNaron did not pay his poll tax for the year 1918, and he was left off the list of legal voters for the years 1919 and 1920 on that account.

Q. I will ask you to please read into the record section 2 of an act to provide for absent qualified electors of the State of Alabama to vote in any general election.—A. "Section 2. That the absent voter so entitled to vote, provided at the time he requests such ballot his name is on the official list of qualified voters in such county as a qualified voter thereof, may procure from the judge of probate of the county of his residence an official ballot hereinafter provided for use in such election, and such voter shall make and subscribe the oath or affidavit hereinafter set out, and attach the same to his ballot and forward the said ballot and affidavit in a sealed envelope by mail, postage prepaid, or otherwise, to probate judge of the county in which such voter resides; whereupon it shall be the duty of said probate judge to endorse on said envelope over his signature the date and hour of the receipt thereof by him, and to safely keep the said ballot without breaking the seal of said envelope, and deliver the same on election day, and during the time the polls are open, to the officers of the election at the voting place of said absent voter, when and where said election officers shall open said envelope, and in the event the name of such absentee voter appears on the official list of qualified voters as a qualified voter for said county and for said precinct or district, shall check

his name off of such official voting list, and cause the said ballot to be duly and properly recorded, subject, however, to challenge, as in other cases provided for; and provided, however, that the same shall be handled in all respects as if the said absentee voter were present and voting in person."

Q. Did you write Mr. McNaron in reply to his letter requesting an absentee ballot promptly on receipt of his letter?—A. I answered his letter right on the bottom of the one he wrote and stated why the ballot was not sent.

Q. Did you put your reply in an envelope properly addressed to the place he had instructed you to send it and place 2-cent stamp on it and place it in the post office?—A. My recollection about it is that he sent an envelope already addressed and stamped, and the letter I wrote him was put in that envelope. I put it in the regular place for putting letters to be mailed by Jeff, the janitor.

Q. Did you receive a letter in reply to that?—A. No.

Q. After the election was over did you receive a letter from him?—A. We did receive a letter from him after the election.

Q. Have you that letter with you?—A. No.

Q. Do you know where it is?—A. My recollection is that I tore it up and threw it in the waste basket.

Q. Please state as near as you can what was in the letter.—A. He stated in the letter as well as I remember: "You may be able to get away with some things, but you are not going to be able to get away with my stamps; that is, if the Post Office Department can locate them."

Q. Did you explain to him in your reply to his request for an absentee ballot the reason you did not send the ballot?—A. I don't remember whether I did or not. Mr. Tom McNaron had called up here a time or two and asked about it, and I had explained it to him, that his, Cooper McNaron's, name was not on the official list, that was the reason why we could not send him a ballot. But I explained to Cooper McNaron the reason I did not send him an absentee ballot; it was because his name did not appear on the legal voting list.

Q. Did you say this in reply to his letter: "Your insulting letter received and I am sending stamps by registered mail so that you will be sure to get them."—A. I said that in reply, but don't think it was exactly in those words.

Q. That was in reply to a letter he wrote you threatening you with the Post Office Department?—A. Yes.

Q. Is Mr. Claud Scruggs, of Albertville, in any way connected with the probate office?—A. He is not.

Q. Are the records of legal voters kept in the office at Guntersville or Albertville?—A. Guntersville; in the probate office.

Q. Have you in your hands the election returns record of Marshall County?—A. Yes, sir.

Q. Will you please read from that record on page 40 of the returns as shown there of the election for Congress from this district for the year 1916?—A. It appears that John L. Burnett received 1,966 votes—Mr. Burnett was the Democratic nominee—and T. H. Davidson, Republican nominee, received 1,230 votes, making a total of 3,196 votes cast in Marshall County for Congress at that election.

Q. Please turn to page 47 of the same record and read from that record the vote appearing there for the candidates for Congress, stating the politics of each.—A. It appears that John L. Burnett, Democratic nominee, received 905 votes and O. D. Street, Republican nominee, received 1,380 votes, making a total of 2,285 votes cast for Congress at the election of November 5, 1918, in Marshall County, Ala.

Q. Please turn to page 48 of that same record and read into the record the total vote received by each candidate for Congress for the special election of 1919.—A. It appears that L. B. Rainey, Democratic nominee, received 1,174 votes, and that C. B. Kennamer, Republican nominee, received 1,191 votes, making a total of 2,365 votes.

Q. Please turn to page 54 and read into the record the vote shown for Congressman for November, 1920.—A. It appears that L. B. Rainey, Democratic nominee, received 4,030 votes, and that Charles B. Kennamer, Republican nominee, received 3,904 votes, and that J. O. Meadows, Socialist nominee, received 19 votes, making a total of 7,953 votes cast for Congress at that election.

Q. Have you in your hand the official record of legal voters of Marshall County?—A. I have.

Q. Will you please turn to Claysville precinct, Marshall County, Ala., and state whether or not the name of William Powell or William P. Powell, or his

wife or son, or the name of Homer Smith, appears on the list of legal voters for that precinct in that record?

(Objection by contestant.)

A. They do not.

Cross-examination:

Q. Mr. Williams, you was asked to turn to the record of legal voters of Marshall County and state whether the names of William Powell, or William P. Powell, and his wife, and the name of Homer Smith appeared on such record; did you look through the entire record or did you look through the list for Claysville precinct only?—A. For Claysville precinct only.

Q. Is it not a fact, Mr. Williams, in your judgment based on your experience as a clerk in the office of the probate judge of Marshall County, that the names of legal voters are occasionally left off the record of legal voters or the published list of legal voters through inadvertence?

(Objection by contestee.)

A. Yes, sir.

Q. The probate judge and his clerk make up the list of legal voters of Marshall County from the books of the registrars and from the certified list of those who have paid their poll tax, do they not?—A. The list is made up by the probate office force from the records referred to.

Q. Mr. Williams, do you know how many absentee ballots were sent to the probate judge of Marshall County in the recent election?—A. I can't give the exact number.

Q. Give approximately the number as near as you can?—A. I have the list, which I will refer to if you like. The list I have shows that 108 absentee ballots were received by the probate judge up to November 2, 1920, and forwarded to the various voting places to be cast in the election.

Q. Have you in the probate judge's office the applications on file for all these ballots?

(Objection by contestee.)

A. No, sir; some of them were made in person. There were some who came in person and stated that they were expecting to be absent from the voting place on the day of the election and wanted to vote the absentee voters ballot.

Q. Have you a record showing who made the application in each particular case?

(Objection by contestee.)

A. No, sir.

Q. Will you please bring in the written applications you have on file in the probate judge's office and the affidavits you have on file in each of these cases, or as many as you do have?

(Objection by contestee.)

A. I don't think we have got the written application of any of them; the law does not require us to keep them longer than 60 days after the election. I don't mean that the law requires us to keep a written application that long, because nothing is said about a written application. We are required to keep a record of votes sent out and those received for 60 days after the election. No affidavits are on file, as they are attached to the ballot by the voter and sealed up with the vote and sent to the election managers.

Q. Mr. Williams, how many names appear on your record to whom absentee ballots were sent?—A. One hundred fifty three.

Redirect examination:

Q. Was an absentee ballot sent to any person whose name did not appear on the official list of legal voters in the probate office of Marshall County, Ala.?—A. I think not; I tried to comply with the law and see that their names were on the list before the ballots were sent.

Q. Do you know or have you heard of any woman in Marshall County who desired to register and who was qualified to register, but who failed to register on account of not knowing of the appointments of the registrars in time to go to the place appointed by the registrars to register the voters?

(Objection by contestant.)

A. Of my own knowledge I do not know of any. Nothing except what I have heard the Republicans say since this contest was commenced.

Q. Have you heard any Republican or Democrat or anyone else give the name of any woman who did not register on account of not knowing of the appointments?—A. I have not.

Q. Was you present at a conversation between C. B. Kennamer, contestant, and W. C. Rayburn, attorney for contestee, in which Mr. Kennamer was asked to name a single Republican woman who did not register on account of not knowing of the appointments?—A. I was.

Q. What was Mr. Kennamer's reply?—A. Mr. Kennamer said that he could not name any one at that time but could get a list of the names.

Recross examination:

Q. Mr. Williams, have you made any inquiry or any investigation throughout the rural precincts of Marshall County for the purpose of ascertaining whether all of the women voters who would have registered if given a fair convenient opportunity to do so and who desired to do so are registered or not?—A. I have not.

R. H. WILLIAMS.

THE STATE OF ALABAMA, *County of Marshall*:

I, Henry J. Miller, a notary public in and for said State and county and duly authorized by L. B. Rainey, contestee, to take deposition of witnesses in his behalf, wherein C. B. Kennamer, contestant, is contesting the certified election of L. B. Rainey, contestee, to the Sixty-seventh Congress of the United States of America for the seventh congressional district of Alabama, said election in said district having been held on the 2d day of November, 1920, hereby certify that I have caused to come before me at Guntersville, Ala., at the courthouse, the place mentioned in the notice attached to the depositions, for the purpose of giving evidence in behalf of L. B. Rainey, contestee, the following witnesses, to wit, Z. T. Sparks, John H. Daverson, W. H. Hyde, Jack Hubbard, J. B. Stearnes, J. K. Huckaby, J. E. Nix, Asa B. Hamby, J. Willis Parrish, J. D. Currey, W. E. Avery, S. P. Tidwell, and Robert Williams, the other witnesses named in said notice being excused.

The aforesaid witnesses were sworn to speak the truth, and all relevant questions propounded to them by the contestee and contestant and their answers thereto, as near as may be, were taken down by me in their presence and read over to the witnesses, who signed the same in my presence as their true evidence on said examination; the foregoing record, depositions from pages 1 to 72, inclusive, contains the depositions of the aforesaid witnesses complete. And I certify that at the examination of each of the aforesaid witnesses counsel for contestant was present and examined, or had the opportunity of examining on cross, said witnesses.

I further certify that I am neither of counsel nor of kin to L. B. Rainey, contestee, or C. B. Kennamer, contestant, and that I have conducted the examination of the aforesaid witnesses fairly and according to law to the best of my ability.

Given under my hand and seal this 18th day of March, 1921.

[SEAL.]

HENRY MILLER,

Notary Public, Commissioner for L. B. Rainey, Contestee.

NOTICE TO TAKE DEPOSITIONS.

To C. B. KENNAMER, *Contestant*:

Take notice that L. B. Rainey, contestee, will cause to be examined the witnesses mentioned in this notice at Fort Payne, Ala., Tuesday, March 15, at 9 o'clock a. m. at the courthouse, and from day to day thereafter, until the examination of said witnesses is completed. The examination will be had before J. Arthur Downer, a notary public and duly authorized commissioner to take depositions of witnesses for and on behalf of the said L. B. Rainey, contestee.

The witnesses with their places of residences are as follows: R. A. Burt, Fort Payne; E. P. Stewart, Fort Payne; George Lovewell, Fort Payne; C. P. Killian, Fort Payne; W. R. Partlow, Fort Payne, No. 4; R. Harvey Johnson, Fort Payne, No. 4; J. F. Austin, Rising Fawn, Ga.; Columbus Blevins, Flat Rock; W. B. Sizemore, Grove Oak; Mark Gilbert, Grove Oak; T. L. Downs, Grove Oak; Bob Gilbert, Grove Oak; Mrs. Andrew Gilbert, Grove Oak; F. M. Brown, Chavies; W. O. Rucks, Chavies; Gus Marshall, Chavies; Luther J. Campbell, Albertville, No. 1; J. E. Bethune, Crossville; Joe Kellett, Crossville; W. T. Weaver, Collinsville; Walter Coker, Collinsville; C. N. Southerland, Fort Payne, No. 6; Sherman Nix, Fort Payne; W. S. Holcomb, Fort Payne;

J. W. McReynolds, Collinsville; R. P. Baker, Fort Payne; John Fischer, Fort Payne, No. 1; J. M. Tucker, Fort Payne; George Stoner, D. L. Jones, Mentone.
This March 11, 1921.

_____, *Attorney for Contestee.*

I, J. Valdor Curtis, attorney for L. B. Rainey, contestee, hereby certify that I have executed the above notice by serving a copy of the same on the Hon. Thomas H. Stephens, attorney for C. B. Kennamer, contestant, this the 11th day of March, 1921.

_____, *Attorney for Contestee.*

Depositions of witnesses examined for contestee before J. A. Downer, notary public and duly authorized commissioner to take said depositions for contestee, at Fort Payne, Ala., Tuesday, March 15, 1920, and from day to day thereafter, in the cause wherein C. B. Kennamer is contesting the election of L. B. Rainey to the Congress of the United States from the seventh congressional district of Alabama.

The following witnesses, being duly sworn and cautioned to tell the truth, testified as follows:

(Both parties to said contest being represented by counsel, it was agreed before the taking of testimony began that the agreement heretofore made on the 13th day of January, 1921, with reference to objections to be made during the taking of said testimony, should apply to and have full force with reference to the taking of the testimony of the witnesses examined on this date as per notice hereto annexed.)

E. C. BLEVINS, examined for contestee, testified:

Q. In what precinct in Dekalb County do you reside?—A. Fourteenth.

Q. Were you present at the election held in said precinct in November of last year?—A. Yes.

Q. Do you know anything about a number of absentee ballots presented to the managers of beat 14 at said election? If so, state all you know about said ballots.—A. Well, there was some ballots there that the managers claimed wasn't legal to put in the box. They claimed they couldn't be at the election; that they were going back to Georgia. They were to be filled out before some justice of the peace, or some officer, and they said they wasn't filled out before no justice of the peace. That's all I know about the reason they didn't take them; they said they wasn't filled out before a justice of the peace; they claimed they wouldn't be a legal vote.

Q. Do you know whether or not all the parties for whom absentee ballots were presented were away from the precinct on the day of the election?—A. I don't know whether they were all away or not; couldn't tell. I heard some of them wasn't absent, but don't know.

(Contestant objects to what witness heard.)

Q. Was there any disagreement between the managers for the Democratic Party and the managers for the Republican Party as to what disposition should be made of these absentee ballots?—A. They talked about what to do with them, but I don't know whether there was any disagreement; don't think they had any disagreement. Some wanted to just send them in as challenge votes, but they said that wouldn't do; didn't think they would be counted.

Q. Of what political party are you a member?—A. I have voted the Republican ticket all the time.

Cross-examination:

Q. You remember how many of these absentee ballots in your beat?—A. Not exactly; there were some 3 or 4 or 5

Q. Were they placed in the ballot box and counted?—A. No.

Q. Were they Democrats or Republicans—those absentee ballots?—A. I think they were all Republicans; to the best of my knowledge they were.

Q. Do you know of any Democratic women registering by proxy in your beat?—A. I heard of it; don't know it to be that way.

Q. State how they managed to register them.—A. There were blanks sent up for them to fill out and send down and a certificate would be sent back to them.

Q. Please state who went around and got the names of the Democratic women.—A. The papers were sent to Mr. Jim Scott. I don't know whether he went around and got them or they came to him. He said he had the papers—the blank papers to fill out. Another thing he said about it—he said they just

picked out the Democrats and sent them the certificates and others they didn't send.

Q. Is Jim Scott a Democrat or Republican?—A. I think he is a Democrat.

Redirect examination:

Q. None of the women whose names were sent in by Mr. Jim Scott voted in the election last fall, did they?

(Contestant objects.)

A. No.

E. C. BLEVINS.

J. F. AUSTIN, examined for contestee, testified:

Q. In what beat in Dekalb County do you reside?—A. Fourteenth.

Q. Were you a manager in the general election held last November?—A. I don't remember whether I was a manager or clerk. I was connected with it, all right.

Q. Do you remember some absentee ballots being presented to the managers on that day?—A. Yes.

Q. Was there any oath or affirmation attached to any of those ballots?—A. There was none signed up before any officer. I think the parties had signed.

Q. Were those ballots counted?—A. No.

Q. Was there any disagreement between the managers representing the different parties as to what disposition should be made of those ballots?—A. I don't think so; they kind of discussed it.

Q. Did the managers all agree that these ballots should not be counted?—A. That's my recollection about it.

Q. Did the Democratic women in beat 14 vote in that election?—A. Mrs. Emmett and Mrs. Todd—I don't know about Mrs. Todd, but think Mrs. Emmett was a Democrat—I think they were the only ones.

Q. Did any of the Republican women in the beat vote?—A. Certainly they did.

Q. Did any of those whose applications for registration were sent to the board of registrars by J. M. Scott vote in said election?—A. They did not.

Cross-examination:

Q. How many beats did Jim Scott represent?—A. I don't know anything about that.

Q. You did know that he was getting the names and sending in to the registrars, did you not?—A. Yes.

Q. What beat does Jim Scott live in?—A. Fourteenth.

Q. Scott is a Democrat?—A. Yes.

J. F. AUSTIN.

R. A. BURT, examined for contestee, testified:

Q. How long have you been a resident of Dekalb County?—A. All my life.

Q. Have you had occasion to travel over and become acquainted with Dekalb County?—A. Yes.

Q. What is your present business or occupation?—A. Right at present I am in the banking business.

Q. What position do you hold with the board of registrars of Dekalb County, and did you hold that position during the recent registration of women?—A. Chairman of the board.

Q. Is the map which I hand you an approximately correct map of Dekalb County, showing the different precincts in the county?—A. So far as I know; yes. It represents all the beats in the county.

Q. Will you attach this map as Exhibit A to your testimony?—A. Yes; it's correct, so far as I know.

(Said map is here entered and marked "Exhibit A" to the testimony of the witness.)

Q. When did you become a member of the board of registrars of Dekalb County?—A. I got my appointment or commission. I think it was on the 7th of October—the 6th or the 7th.

Q. Who were the other members of the board of registrars?—A. Will Elrod and Fletcher Wade.

Q. When and where did the board meet for the purpose of organizing and making a list of appointments for the county for the registration of women?—

A. Here at Fort Payne; it was on the 8th of October. I think that's correct; we took the oath of office on that day.

Q. What did you do on the day of the 8th?—A. Well, we first got together and went over where we would get the most people in the short time that we had. Then we agreed on several places.

Q. What was the first place visited?—A. Beat 21.

Q. That appointment was made, or rather beat 21 was visited in the afternoon of the same day in which you organized and took the oath of office?—A. Yes.

Q. State what you did with reference to advertising the places to be visited by the registrars before starting on your rounds?—A. Well, we filled out handbills or posters giving the different places where we were to be at and had them printed.

Q. Were those handbills or posters scattered over the country?—A. Except two beats, Mentone and Valley Head, we notified or seen Mr. Baty in person, and told him we would be up there that afternoon. We also called out there over the phone that we would meet out there at the schoolhouse, Moon Lake School, in that beat. We couldn't get our circulars printed that evening, so we went on to Valley Head, going out to Mentone. We stopped there and asked Mr. Culberson if he had got our message out to Mentone. He said he had. We also notified them again that we would be there the next day at Valley Head and to norate it as much as possible.

Q. Did many people meet you to register in beat 21?—A. No; they did not. We drove on after leaving Valley Head, on out to the schoolhouse at Moon Lake. When we got there they were teaching school there [contestant objects]. We asked the teacher if the ladies had got our message. They said they had, and sent word to several of the neighbors around there. We stayed there about an hour and a half at the schoolhouse. We then came back to a little store out there, Powell's store. There we registered three or four. Then we came on to Mentone; it was getting late, and we registered three or four at Mentone, making about eight or nine in the beat, is my recollection.

Q. Did you return to Fort Payne before going to Valley Head the next day?—A. We came through Valley Head that night, coming in home.

Q. Before going to Valley Head the next morning, did you discuss the dates for registration with any Republicans, and, if you did, state who they were and give the conversation as best you can?—A. I had gone home that night, and I came back here the next morning in a car to get our bills and posters; then I went from here to Valley Head on the train. As I was going to the depot Mr. Leander Durham overtook me and he asked me about where we were going, our dates, and so on. I told him to Mr. Smith and get some circulars or to Mr. Isbell's, that probably Mr. Isbell had already got some, that would explain it better than I could tell it offhand. I also told him to get out all his lady friends, all his people, that we wanted to register every lady in Dekalb County, without any partiality toward anyone. I think that's about the height of our conversation, as best I remember. I had had a conversation the day before with Mr. Isbell. We met down at Barus's restaurant. He asked me if I would give him our dates, and the places we were going to meet. I told him I would, but I didn't know that I could do it offhand—we had just sent our circulars up to have them published. I told him to call on Mr. Smith and get as many as he wanted. He thanked me for it and said he would help advertise it. My recollection is that I made about the same remark to Mr. Isbell that I did to Mr. Durham, that we wanted to register all the ladies of the county.

Q. The person to whom you referred as Leander Durham, is that the same as L. A. Durham?—A. I suppose it is; I don't know his initials; just know his name.

Q. Beginning at Valley Head, I want you to state a list of the appointments by beats, and state the length of time spent at each place and whether it was a night or a day meeting?—A. We had some both day and night appointments. The following Monday, after we had been to Valley Head on Saturday, we went to Collinsville, in beat 6. On Tuesday we went to Loveless, beat 29; on Wednesday we went to beat 13, Sulphur Springs. We spent a day at each of these places. Then we went to Henagar, that was a half a day, is my recollection. Then in the afternoon we went down to Sylvania. Both Henagar and Sylvania are in beat 15. That night we went to Rainsville, in beat 16. The following day we went to beat 25, Fyffe, stayed there a half a day. Then we went from Fyffe to Tenbroeck, beat 17. We gave them the evening at Tenbroeck; from the time we got there, we registered several after night there.

Then we went from beat 17 to beat 24, Whiton beat. That night, after leaving Whiton, they had a little night appointment at Elrod's store, beat 23. Then on the following Monday we went to Lathamville, beat 18; gave them a half a day there. As we went down, we stopped at Crossville and registered three or four as we went down to Lathamville. Then, in the evening, we came back up to Skirum, beat 30, worked there that evening a while, what was there, and then went to Geraldine that night. Geraldine is in beat 27. The following day, the 19th, we came to Fort Payne, stayed here the balance of the time until the registration was closed. During the time we were here we had a little appointment at Adamsburg, beat 20, that was night—these are all night appointments, the ones away from Fort Payne after we got here. We had one night at Lydia, beat 26; one night at Collbran, beat 3; we had one night at Copelands Bridge, beat 5; as we went to Copelands Bridge for the night appointment, we stopped at a restaurant in Collinsville and registered 8 or 10 more women there. The day we were advertised to be at Skirum had to be split with Lathamville. In other words, we thought we could be out on the 19th, and we had to come in here that day. That threw us to give Lathamville a half a day.

Q. At any of the precincts visited by you, did you register all who applied, who were qualified, or did you go away leaving folks who desired to register?—A. We registered all those who were qualified to register at all the different precincts.

Q. Did at least two of the three registrars pass upon the qualifications of each person registered during this registration?—A. Yes; and most generally all three of us, except the two places—night appointments, that I wasn't with them.

Q. Did the board of registrars sent out blank registration certificates to be filled in and returned to the board to be signed?—A. No.

Q. Did the board of registrars require applications for registration to be made in writing?—A. No.

Q. Did the board of registrars require applicants for registration to make oath as to their qualifications?—A. Not when the board was satisfied they were qualified, but in a few instances we did swear them when there was doubt as to whether they had been in the State or county long enough or their age.

Q. Did the board of registrars knowingly register any person not qualified or refuse to register anyone applying for registration who was qualified?

(Contestant objects.)

A. We didn't turn anyone away whom we considered a legal voter or qualified for registration and vote. We didn't knowingly register anyone who was disqualified.

Q. Which party, Democratic or Republican, was most active over the county in getting out the women for registration?—A. I would like to explain a little there. The Republicans seemed to be the most active all around until we got to Graham beat. When we got to Graham beat it seemed the Democrats had begun to wake up and begin to bring the women. We couldn't see any difference from there on.

Q. Knowing the county as you do, and having gone over the county as a member of the board of registrars, I will ask you to give your judgment as to what proportion of the women entitled to register failed to register and how those failing to register would divide as between the Republican and the Democratic Parties.—A. A large per cent of both parties registered. I know some in both parties who did not register, but the majority I know of who did not register are Democrats.

Q. Did the board of registrars register any women who did not appear before them in person?—A. Yes.

Q. At about what period during the registration did you begin registering women without their appearing?—A. It was along toward the winding up of our registration here—probably the last two or three days.

Q. Did both Democrats and Republicans present lists of names to the board to be registered?—A. Yes; both parties presented applications.

Q. Those registering without appearing before the board were made up of what class of persons?—A. The excuse their friends had for them was old age, and some sickness, or something like that.

Q. Did any Democrats present you lists having on those lists the names of Republican women?—A. I couldn't say about that myself; the man who brought in the list said part of them were Republicans and part Democrats.

Q. Give your best judgment of the number of persons who were registered without appearing in person before the board.—A. That would be very hard to

do; we didn't keep any list of those. I'd say a hundred; might be a hundred and fifty.

Q. Give your best judgment as to how those who were registered without appearing before the board in person were divided as between the two political parties.—A. It would be hard for me to say as to which had the greatest number in that amount.

Q. At the night appointments made during the week you were registering in Fort Payne which party registered the greater number in your judgment?—A. Well, at those night appointments—I think that depends on where it was as to which registered the most. Take beat 3—there there were about 10 Republicans and 20 Democrats registered. At Adamsburg it was pretty well divided; maybe more Republicans. At Lydia, I think that was pretty well divided.

Q. Under what conditions and circumstances did the board begin to register women without their appearing before the board?—A. As before stated, they came there complaining of being old or sick or crippled, or something that way.

Q. Do you remember for whom you registered the first woman without her coming before the board?—A. I think the first one was for Mr. Jim Durham.

Q. After that time did you refuse to register any woman when an application was made if you were satisfied that she was entitled to register and that she was old or sick?—A. No; I don't think we refused any that was entitled to register on account of not being able to get here.

Q. When did the board of registrars make up and file their final report of the registration?—A. After the books are closed we have two weeks in which to make our final report. My recollection is it didn't consume quite two weeks; probably we got through a day ahead.

Q. Do you know Mrs. Dick Williams, of Collinsville, Ala., and did she register at the time the registrars were in beat 6?—A. Yes. She registered the day we were at Collinsville.

Q. Have any Republicans in this county made any statements to you in reference to the fairness of the registration as conducted by the board of registrars? And if so, state who it was and, as near as you remember, what they said.—A. Well, I've had several to tell me so far as they knew it was perfectly fair and they were satisfied with it themselves. Mr. Frank Brock is one I remember that expressed himself that way—that he thought it was perfectly fair—also Mr. Jim Durham. I don't remember all of them.

Q. Did Mr. Brock and Mr. Durham take an active part in the campaign and have an opportunity to know?—A. I think so. I saw Mr. Durham at several places while we were registering; seemed to be very active.

Cross-examination:

Q. Mr. Burt, I believe you state that yourself, Will Elrod, and J. Fletcher Wade were the registrars for Dekalb County?—A. Yes.

Q. By what authority did you become registrars?—A. By appointment from the governor.

Q. You were appointed by the governor of Alabama, were you?—A. Yes.

Q. Is the governor a Republican or Democrat?—A. Democrat, I've always heard.

Q. Are you a Republican or Democrat?—A. Democrat.

Q. Will Elrod a Republican or Democrat?—A. He tells me he is a Democrat.

Q. J. Fletcher Wade a Republican or Democrat?—A. Democrat.

Q. The Republicans had no representation on the board of registrars, did they?—A. No.

Q. The Republicans have been electing occasionally a county official for the last 25 years, haven't they?—A. Longer than that, I think.

Q. Kennamer carried the county in the special election for Congress in 1919, didn't he?—A. That's my recollection.

Q. Isn't it a fact that he carried every county in the district in the special election in 1919 except Cherokee and Etowah?

(Contestee objects.)

A. I don't remember about that; I think he did.

Q. About how many eligible voters in Dekalb County?—A. Somewhere around 9,000.

Q. About what was the Republican vote in this county in the last election?

(Contestee objects.)

A. I don't believe I saw a published statement of that; I don't remember. It seems to me that it was around 1,200.

Q. In a county like Dekalb, with a Republican majority of approximately 1,000 or 1,200, do you consider it fair politics for the Republicans not to have representation on the board of registrars?
(Contestee objects.)

A. I don't see why it couldn't be fair.

Q. I believe you state you are familiar with the map marked "Exhibit A" to your testimony?—A. To the best of my knowledge—I answered that question before.

Q. What does the figures in red ink represent?—A. I only know what Mr. Curtis said here in your presence this morning. I understand the figures in red ink represent the Republican vote in each beat.

Q. The figures in black represent the Democratic vote?—A. That's what I understood from Mr. Curtis.

Q. Is Will Elrod and J. Fletcher Wade here?—A. Not that I know of; I haven't seen them.

Q. They are both still living and in good health?—A. So far as I know they are.

Q. You had your notices of the various appointments in the county printed, did you not?—A. Yes.

Q. After you changed your dates and times of meeting of the board, did you have other circulars printed advising of the changes?—A. The changes were only in two beats. We made a notation on the circulars and sent them out with the change on them. We didn't have any new bills printed.

Q. Your published notice stated that you would be in Lathamville beat one entire day?—A. The first did; yes.

Q. You spent less than one-half day in the beat, did you not?—A. We spent a good half day there.

Q. You stated in your direct examination that the board of registrars did not send out any blank registration certificates?—A. I never knew of any being sent out.

Q. It is a fact that there were many registration certificates filled out by the registrars and sent out, isn't it?—A. Yes; we registered some by proxy; I stated that this morning.

Q. You had lots of proxies?—A. I answered that this morning; I'd say 100; 150 at the outside.

Q. How many certificates of registration did you send out to Jim Scott?—A. I don't know of any; he probably brought in some names and got the certificates; that was the way they all did.

Q. How many beats did Jim represent?—A. I couldn't tell you; didn't know he was representing any beats; never heard of him representing any beats till this morning here.

Q. How many did you send out to Dr. Hall?—A. That, I couldn't tell you; don't know.

Q. How many registration certificates did you send out by W. B. Sizemore to Democratic women?—A. Will might have brought in some, I couldn't tell you who all might have brought in some. We were crowded here on the last day or so and I don't remember all the names; remember a few but not all.

Q. How many certificates of registration did you send out to Democratic women by N. C. Guest?—A. I don't remember. Guest brought in some, and Hugh O'Shields brought in five or six; don't think Guest had but one or two. He and Dr. Isbell said they had their beat pretty well worked up while we were there at Whiton.

Q. How many certificates of registration did you send out to Democratic women by Mr. Igou?—A. I don't know of any myself.

Q. You had a Democratic representative in every beat in the county getting the names and sending them in?—A. Not that I know of. I understood that they were doing just like the Republicans, when they found a woman that wasn't registered they took her name and brought it in.

Q. Did you tell the Republicans that you were registering folks that way?—A. Yes. The first I registered was a Republican.

Q. Isn't it a fact, Mr. Burt, that Jim Durham didn't register any one until just before you announced the registration closed on the last day?—A. No.

Q. Mr. Burt, what was your duty as a member of the board?

(Contestee objects.)

A. To preside over the board and see that everybody that was qualified should be registered.

Q. It is a fact that you registered hundreds of women that you didn't see?—A. No; not hundreds.

Q. Did you do the writing, or did Elrod and Wade do it?—A. We changed about; most of the time I wrote the names on the bottom of the certificate.

Q. Can you approximate the number of registration certificates furnished by J. Valdor Curtis to be filled out for Democratic women?—A. No, sir; I don't know how many.

Q. Do you know whether you got them all registered he furnished?—A. I think not.

Q. What was the trouble?—A. I think some of them probably hadn't been in the State long enough or were too young.

Q. What position, if any, did Mr. Curtis hold at that time?—A. He was chairman of the Democratic executive committee for the county.

Q. Can you state how many Democratic representatives in the various beats of the county presented names to the board and asked for certificates?—A. I never heard of any. Mr. Curtis brought in some; they might have sent in some to him.

Q. Well, when you presented the names to them, did you make inquiry as to whether they had young babies or were old ladies?—A. They usually had that statement on their tongues—seemed to be ready to make a statement of their troubles when they came in.

Q. The list of names handed in by Mr. Curtis for registration certificates, did most of them have young babies and those that didn't have young babies were very old women?—A. I couldn't answer that. I didn't see the applicants and couldn't say about their physical condition.

Q. I believe you say the registrars completed their work about a week or 10 days after the books were closed?—A. We had two weeks in which to complete our books and I think we lacked a day or so consuming the time.

Q. You kept the names of those registering on a book or books?—A. Yes.

Q. How many books did you use in the county?—A. Four, I think, in the final wind up of our books.

Q. I have reference to the tablets you used on your rounds in the county, how many did you use of those?—A. My recollection is about seven or eight, the eighth one was not all filled out.

Q. What did you do with those small books or tablets containing the names of the registered voters?—A. They were all in the probate office when we closed except one—the last one. Mr. Elrod kept all these books, all these little tablets. We turned over these books, except the last one we used here the last day. When I announced the registration closed, I told Mr. Elrod to deliver that book to Judge Croley with the others. He called my attention to some loose leaves and he told me he was afraid to leave that book in there with the judge—said he was afraid they would drop the slip leaves out, and that would throw us in bad shape about making up our books. I told him all right, to keep that book until morning.

Q. What time did you close the registration books on the last day?—A. Four o'clock.

Q. And you made announcement that the books were closed?—A. Yes.

Q. The last book was in no shape to turn in, was it?—A. Well, there was loose leaves, and if you held the book, if you were not particular, you would lose some of the leaves.

Q. You had to handle that last book very carefully, did you not?—A. Not particularly, just those loose leaves.

Q. Why did you want to wait until the following morning to turn that book in? Was it just on account of the loose leaves?—A. I stated that awhile ago. Mr. Elrod called my attention about those loose leaves after I had told him to leave it with Judge Croley. He said he was afraid that judge or some of them would loose some of these leaves out of the book, and if they was lost it would be hard for us to make up our books; we couldn't do it without those leaves. So that struck me as a bright idea to keep those leaves, and I told him to take that book to his boarding house and keep it till next morning, when we would meet back and go to work on our books.

Q. You think the book would have been in better shape to turn over to the probate judge the following morning?—A. Judge Croley had no business with none of the books. Certainly the book would have been in no better condition

to turn over the following morning. None of these books were turned over to Judge Croley for him to keep, they were just placed in the vault for safe-keeping, they were just put in his care, they were our books.

Q. Isn't it a fact that the books were turned over to Judge Croley and that he had a force of clerks making out a poll list of the qualified voters from these books?—A. We all had these books, all worked together; Judge Croley helped us and we tried to help him. Some of them worked in the probate office, some worked upstairs; we didn't have room to work in the probate office—sorter divided up.

Q. At the time you announced the registration books were closed, I will ask you to state whether or not you expected other names to be sent in by Jim Scott, Mr. Igou, Dr. Hall, N. C. Guest, W. B. Sizemore, J. Valdor Curtis (chairman of the Democratic executive committee for Dekalb County), and others?—A. No; I didn't know anything about who was bringing the names in. I did understand that Mr. Curtis had some names we had passed on that day.

Q. Can you state approximately how many names were to be added to this last book kept by Will Elrod on the last night the books closed?—A. I think about 30 or 35. They didn't have to go on the book necessarily; all they had to do was to add in the names and ages on the certificates and slip this sheet in with the loose leaves. This was not a regular book—just a memorandum.

Q. It made it very convenient for that last book to have loose leaves?—A. Not necessarily, I shouldn't think.

Q. Isn't it a fact that about 500 names were to be added to that last book after the books were closed?—A. I never heard anything of that until the next morning, after you fellows had chased Will Elrod around that night. Elrod told me about it the next morning.

Q. Do you think our chasing Elrod around on the night after registration books closed at 4 o'clock the evening before prevented the adding of a great many names to the book?—A. I think not; they really didn't have to be on that book. They had a list of the names.

Q. Isn't it a fact that you didn't have all the names at 4 o'clock when you closed the books; wasn't you looking for other names to come in?—A. I wasn't looking for any. I didn't know of any except those that have been spoken of—about 35.

Q. I will ask you to state if you didn't tell Will Elrod the next morning that from the way he acted the Republicans had ground to be suspicious?—A. I don't remember. I told him if I had been here I would have let them see the book.

Q. I will ask you to state where and when Frank Brock and J. M. Durham stated to you that the registrars were fair; was it before or after the registration books closed?—A. I think Mr. Durham told me after; he told me along through the registration. Mr. Brock talked several times about it in a confidential way. It was after the books were closed.

Redirect examination:

Q. Do you remember when the contestant took testimony here at the first?—A. I remember the occasion; don't remember the date.

Q. At that time you, Mr. Elrod, and Mr. Wade, composing the entire board of registrars, were summoned to appear and did appear?—A. Yes.

Q. You were excused without either of you being examined?—A. Yes.

Q. State what means you took to advertise the change of date in Lithamville beat.—A. We mailed out circulars, wrote letters, had it published in a newspaper, the Collinsville Courier, and told all those people we came in contact with and told them to tell their neighbors. We took more pains in those two advertisements than any other because of the mistake.

Q. Did you discuss the matter with Mr. H. H. Smith, of Collinsville?—A. Yes; showed him the law. He said he would give it all the notoriety he could; said his paper was taken by most all those people out there.

Q. Mr. Smith is editor of the Collinsville paper and also chairman of the Republican executive committee?—A. Yes.

Q. In your cross-examination you were asked if you could tell the number of names of Democratic women sent in to be registered by certain Democrats. I will now ask you to state if you remember the number of names of Republican women sent in by Mr. Jim Durham, Mr. John Durham, Mr. John Horton, Mr. John B. Isbell, and others, for the purpose of being registered.—A. We didn't ask the politics of the ladies. We would kind of size them up by the man that

brought them in, whether Democrat or Republican. I couldn't remember on either side the number brought in. I answered that a half a dozen times.

Q. When did Mr. Jim Durham first come to you and request you to register women without their appearing before you?—A. Two or three days before we closed the registration books. We registered some by proxy for ladies, Democrats and Republicans. Miss Della Collins, from beat 7, she came in and registered; her father had just been buried the day before; she said her mother was not able to come, was very feeble; asked if I would register her mother and her not here. I told her I would; to give me her name and age, and I did register her. Then she asked me if I would register a sister-in-law of hers that had a small baby and was not able to get here, and the weather was very bad, so we registered her. Those parties were Republicans. I think Dr. Killian's wife was in about that time and she wanted to register her mother-in-law; said she was old and feeble and couldn't get up here. I told her yes, I'd register her; they were all Democrats.

Q. You sent out no registration certificates, except where there had been an application made and passed upon by the board?—A. No.

Q. The names of all the parties placed on the registration books were presented to the board of registrars and passed upon by them before the close of the registration on 4 o'clock of the closing day?—A. Yes; I think that's about the same question Col. Ishell asked a while ago.

Recross-examination :

Q. I will ask you to state whether or not you have ever had occasion to examine that last book used by the registrars to determine whether or not any names had been added to that book after the registration books were closed?—A. No; except, as stated, to make up the other book.

R. A. BURT.

(Exhibit A to testimony of R. A. Burt, map of De Kalb County, Ala., showing different precincts in county, omitted in printing.)

J. M. FISHER, examined for contestee, testified:

Q. You are commonly called John Fisher?—A. Yes.

Q. In what precinct in Dekalb County do you reside?—A. Twenty-eight.

Q. Were you present at the general election held in beat 28 in Dekalb County last November?—A. Yes.

Q. Do you know of any parties who voted in that election who were not qualified to vote?

(Contestant objects.)

A. Yes.

Q. Give the names of the parties and state why they were disqualified.—A. Jim Blalock and his wife out of the State, but I don't know whether they were qualified or not. They were living in Georgia at the time of the election. Wilburn Blalock and his wife were too young; I suppose also Cooper Blalock. Cooper told me he was too young to work the road, and he was the oldest one of them.

Q. When did Cooper Blalock tell you he was too young to work the road?—A. In April, before November.

Q. Wilburn Blalock is how much younger than Cooper?

(Contestant objects.)

A. They say he is two years younger.

Q. Do you know of any others?—A. No.

Q. Do you know whether or not a girl by the name of Jane Pendergrass voted in the election?—A. Yes.

Q. What is the reputed politics of these parties you have named?—A. All Republicans.

Q. Do you know whether or not Evie Keith voted in the election?—A. Yes.

Q. What is she reputed to be?—A. Republican.

Q. Is she of sound mind, or has she been an idiot all her life?—A. I couldn't tell you; she has all the mind she ever had; she has no mind at all.

Q. Do you know Cicero Nixon?—

Cross-examination :

Q. Did Evie Keith vote the Republican ticket?—A. Yes.

Q. Don't you think she displayed considerable sound mind by voting a Republican ticket?—A. I don't know whether she did or not; if she did, it was the first time.

Q. You don't know whether these parties spoken of in your direct examination had lost their citizenship in Alabama?—A. No; I don't; they had been living in Georgia a year.

Q. You voted for Cox?—A. Yes.

J. M. FISCHER.

R. H. JOHNSON, examined for contestee, testified:

Q. In what beat in Dekalb County do you reside?—A. Beat 20.

Q. Were you present during the general election held in that beat last November?—A. Yes.

Q. Have anything to do with helping hold it?—A. I was one of the clerks.

Q. Was there much confusion in and around the polls during the time of holding the election?—A. Yes; there was quite a crowd in there all day.

Q. Anybody inside the polls representing the Republican Party besides managers and clerks?—A. There was.

Q. Who were they?—A. Mr. Fowler and Mr. Copeland.

Q. State what they were doing during the day?—A. They were voting the people, I suppose; every time a voter came in they would come in with him and mark tickets or help to mark tickets.

Q. Were they talking or explaining to the voters during the day as to how to vote?—A. They were talking, of course, and showing them the way to mark their tickets.

Q. Was much of the confusion due to their activity in and around the polls?—A. I couldn't say about that.

Q. Anybody vote in that beat that was not qualified to vote?

(Contestant objects.)

A. Yes. C. G. Nixon was one. He had lived out of the county about six years.

Q. What is his reputed politics?—A. Republican, I understand.

Q. Can you name any others?—A. Mr. Dan Chance, I believe. I think he lived in beat 9.

Q. Was his name on the list of qualified voters out there?—A. No.

Q. Do you know the politics of Mr. Chance?—A. I do not.

Q. Do you know of any official ballots being in the hands of Republicans other than those which were given them at the polls for voting?—A. I heard of some; didn't see it.

(Contestant objects.)

Cross-examination:

Q. Did the Dan Chance you spoke of vote the Democratic or Republican ticket?—A. I couldn't tell you.

Q. Did C. G. Nixon, spoken of in your direct examination, vote the Republican or Democratic ticket?—A. I couldn't tell you.

R. H. JOHNSON.

W. R. PARTLOW, examined for contestee, testified:

Q. In what precinct in Dekalb County do you reside?—A. Beat 20.

Q. Do you know of anyone voting in beat 20 in the general election last November who at that time did not reside in the beat?—A. Well, there was one fellow or two. There was Millard Fowler. He resided at that time in Georgia. He had moved away from out there. There was Nixon, C. G. Nixon; he had been gone from there six or seven years.

Q. What is Millard Fowler's politics?—A. He is a Republican.

Q. Any others you think of?—A. No, sir.

Q. Which one of the Fowlers has charge of the county almshouse?—A. Bernard.

Q. What's his politics?—A. Republican.

Q. Did he bring the inmates of the home out to vote?—A. Yes.

Q. How did they vote?—A. I couldn't say how they voted.

Cross-examination:

Q. Fowler was employed by a Democratic board to keep those inmates?—A. Yes.

Q. Isn't it your judgment that he was paying a political debt when he took those inmates out?—A. I couldn't say.

Q. Nixon's home is really in Dekalb County, isn't it?—A. He hasn't got any property there of any kind.

Redirect examination:

Q. It's your judgment that the inmates of the almshouse voted the Republican ticket?—A. Yes; that's the best of my judgment.

Recross-examination:

Q. You stated a while ago you had no judgment about it, didn't you?—A. I said I couldn't say.

Q. Then you know nothing about how Fowler or either of the inmates voted?—A. I heard Fowler say he voted the Republican ticket; I know nothing about the others.

Q. Didn't you say a while ago you didn't know how Fowler voted?—A. We got the Fowlers mixed. We got mixed up on the question.

Q. Which one of the Fowlers you don't know how he voted?—A. Millard.

Q. You heard Bernard Fowler say how he voted?—A. Yes.

Q. Who else heard it?—A. I don't know; everybody out there knows Bernard voted the Republican ticket; he would tell you that.

Q. Who was with you when he said it?—A. I don't know whether anybody was or not.

Q. Where did you come from?—A. Cherokee County.

Q. Where did you come from when you moved to Cherokee County?—A. I was born there.

Q. How long have you lived in Dekalb County?

(Contestee objects.)

A. Nine or ten years; I don't remember which.

Q. What do you follow?—A. Try to farm.

Redirect examination:

Q. Millard Fowler is Bernard Fowler's son?—A. Yes.

Q. And it's generally reputed and understood that the Fowlers are Republicans?—A. All the Fowlers that I know anything about.

W. R. PARTLOW.

WEDNESDAY, MARCH 16, 1921.

J. WALTER COKER, examined for contestee, testified:

Q. In what beat in Dekalb County do you reside?—A. Beat 5.

Q. Were you present on the day of the election, November 2, 1920?—A. Yes.

Q. In what capacity did you work?—A. Returning officer.

Q. Tell something of the condition as to whether it was crowded around the polls or not during the day.—A. Not very badly crowded at any time.

Q. Were you present at your polling place the night the registrars were there?—A. Yes.

Q. Had notice been given through the community that the registrars would be there at that time?—A. Yes; they notified me and I notified the people.

Q. Were the Republicans given notice the same as the Democrats of this meeting?—A. Yes; I called them over the telephone, all alike.

Q. Were there Republicans present that night to register, the same as Democrats?—A. Yes.

Q. In your judgment tell about how many Democrats and how many Republicans registered at Copeland's Bridge that night.—A. There were 47 registered in all—19 Democrats and the balance Republicans—the way they gave it in to me; they went to my house and registered my wife; she wasn't able to get there.

Q. Do you know whether or not there were any Republican women in your beat who did not register?—A. Don't think there were, to the best of my knowledge; don't know of any; couldn't place any of them.

Q. How long have you lived in that beat?—A. Born and raised there; never lived out of it.

Q. Do you think you know the people of the beat pretty well and know their politics?—A. Yes; I could tell how every man would vote when he came to the polls.

Q. Do you know of any Democratic women in that beat who did not register?—A. I know three—Paul Coker's wife, Charlie Wright's wife, and J. O. Jones's wife. Well, there was one more woman who married a Democrat and her father was a Republican; she didn't register.

Cross-examination:

Q. You were the Democratic leader notified in your beat?—A. Yes; they called me and I gave notice.

Q. What Republican leader was notified by the board?—A. Mr. Pendergrass, I suppose, said he was, P. G. Pendergrass. He was one of the clerks in the election.

Q. This was the night meeting at Copeland's Bridge?—A. Yes.

Q. This meeting was held during the last six days of the meeting of the board at Fort Payne?—A. I couldn't say for certain; never kept the date; suppose it was.

Q. Did you phone any Republicans that the board was going to meet?—A. Yes.

Q. Please give the names of the Republicans of the beat you notified.—A. I called Mr. Virdell Traffenstead and Calvin Morgan; told Calvin to tell those folks from Sand Valley that had no telephones they were going to register that night.

Q. Virdell Traffenstead and Calvin Morgan both Republicans?—A. I think so; Calvin Morgan is, I know; I think Virdell votes the Republican ticket part of the time; he mixes his ticket.

Q. Did you phone any other Republican in the beat?—A. No; that's all the ones I could get to with the phone. I talked to Mr. Pendergrass about it and he said they had notified him, too.

Redirect examination:

Q. I believe you stated that this was a night meeting of the registrars?—A. Yes.

Q. If you telephoned any Democrats of this meeting, name them.—A. I telephoned to J. F. Edwards to let the people of that community know it; I telephoned Reuben Hawkins at another settlement to let the people of his settlement know it.

J. WALTER COKER.

R. P. BAKER, examined for contestee, testified:

Q. In what precinct in Dekalb County do you reside?—A. Twenty-eighth.

Q. How long have you lived out there?—A. All my life.

Q. Did most of the women from beat 28 register and vote?—A. Yes.

Q. Do you know of any Republicans in beat 28 who were qualified to register who did not do so?—A. No.

Q. Do you know of any Democratic women who did not do so?—A. I don't remember any.

Q. Were you present on the day of the election last November?—A. Yes.

Q. Did a Miss Jane Pendergrass vote in that election?—A. Yes.

Q. Is she a Republican or Democrat?—A. Republican.

Q. Do you know her age?—A. Not exactly; no.

Q. From your knowledge and information, gained from what you have heard in the community, do you think she was 21 years old on the day of the election?

(Contestant objects.)

A. No.

R. P. BAKER.

G. W. STONER, examined for contestee, testified:

Q. What beat in Dekalb County do you reside in?—A. Nineteenth.

Q. How long have you resided in 19?—A. Pretty well all my life.

Q. During the period when the women were being registered last year which party was the more active in getting women out for registration?—A. Republicans.

Q. Were you present at the voting place on the day of the election last November?—A. Yes.

Q. Were there any illegal votes cast in said election in your precinct?

(Contestant objects to said question.)

A. There was three.

Q. Give their names, and state why in your judgment they were not qualified to vote.—A. Whit Smith and wife, and a Mr. Downer. Smith had been a resident of Jackson County for a year or so and hadn't been in this county but about nine months, and Mr. Downer acknowledged that he hadn't been in the county but about nine months.

Q. I will ask you to state if it isn't a fact that Mr. Downer at first refused to vote stating that he was not qualified to vote and only voted when insisted upon to do so by Republicans present?—A. He explained that he had lived in Jackson County and that he didn't believe that he was a legal voter, but showed his tax receipts that he paid tax in this county.

Q. The Mr. Downer you referred to, is he the one that was a candidate for and elected justice of the peace?—A. Yes.

Q. Are Smith and wife and Downer Democrats or Republicans?—A. They are all Republicans.

Q. Do you know Mr. S. Friar up there?—A. Yes.

Q. How long has he lived in beat 19 and where did he come from when he came there?—A. He's been in the beat two years last January; he came from Chattanooga.

Q. Do you know Lige Chadwick, Col. Lee, and a fellow by the name of Coots?—A. I know Lige Chadwick, Col. Lee, and two of the Coots.

Q. State how long these parties have resided in beat 19.—A. Lige Chadwick that I know lives in Valley Head beat; was principally raised there. This man Coots there was a newcomer that come in there along in June, last June, claimed to have come from Kentucky. Col. Lee was raised there in beat 19 principally.

G. W. STONER.

W. B. SIZEMORE, examined for contestee, testified:

Q. In what beat in Dekalb County do you reside?—A. 17, Graham.

Q. Did you help to hold the election there last November?—A. I was returning officer.

Q. Were there any illegal votes cast in that election in your precinct?—A. There was.

Q. Give the names of each and state why, in your judgment, they were disqualified.—A. Mrs. Claris Rowell, hadn't been in the State two years; George Drain and his wife, hadn't been in the county 12 months; Miss McCroelus, hadn't been in this county 12 months; Cowan Brock and his wife that live in Corinth, beat 25. There is five others; three other families that live around Brock. I can't call their names.

Q. How far from the beat line between 25 and 17 do these parties you refer to as residing in beat 25 live?—A. From a half a mile to three-quarters.

Q. Have you ever lived at the place where Brock and wife live?—A. Not at that place, but I lived at the Henry Taylor place, a mark of the old beat line, one of the landmarks mentioned on the record. These parties lived from a half a mile to three-quarters north of this point, in Corinth beat.

Q. All these parties about which you have testified as illegally voting in beat 17, were they Republicans or Democrats?—A. They were Republicans.

Q. Did the Republican Party have a marker inside the polling place on election day?—A. Yes.

Q. State who it was, or who they were.—A. They had two; they first started with one Mr. Whitmire, but later Edd Poole came in and they put him on.

Q. Is Edd Poole a qualified elector in beat 17 and did he vote in that election?—A. He was not a qualified voter; never voted in that election.

Q. Was he inside the polling place during the day?—A. Yes.

Q. State what he had to do with the holding of the election.—A. His business was nothing but marker, as I know of.

Q. Is he the fellow you hit with your fist?—A. Yes; he is the fellow.

Q. Was Mr. Poole's wife present on the day of the election?—A. Yes.

Q. Did you at any time during the day make a statement like this: "You Republican women stand back and let the white people vote"?—A. I did not; my mother is a Republican. That's why I put my fist in Edd Poole's face, because he told that lie.

Q. I will ask you to state what Mr. Poole caused to do in reference to opening some doors there and taking charge of the management of the election?—A. As soon as Mr. Poole came in he ordered another door to be opened. I told him we couldn't open the other door; that I couldn't keep the room clear with one door opened. He said he could open it and he would do it. I told him he would not open it, that I would settle that question, and then the Republican inspector chose him for one of their markers and put him in there for one of the markers.

Q. During the time Mr. Poole was inside the polling place where was his wife and what was she doing?—A. She was on the outside and had a plank stood up

on the side of the house to where she could talk to Mr. Poole. I was asking the people to treat each other nice and not crowd so till they could vote. Mr. Poole would tell his wife to pay no attention to Will Sizemore, but rush them all in and vote them just as soon as she could—all the Republicans.

Q. I will ask you to state whether or not the Republicans carried out that instruction and rushed and crowded in and around the polling place.—A. Yes; they did; the most of any election I was ever at.

Q. Did Mr. Poole make any statement about where he got his instructions or his information that the Republicans were to be rushed in and vote?—A. No; Mr. Poole never. Bob Rains made the statement about the instructions Col. Isbell here had given them.

Q. Is Bob Rains a Republican?—A. Yes.

Q. What statement did Bob Rains make with reference to any instructions he had received from Col. Isbell?

(Contestant objects.)

A. He said that Col. Isbell had instructed the Republicans out there in 17 that there was a Democratic trick to steal the ballots at 12 o'clock and claim they had give out; for them to be there and vote by 10 o'clock; and they did it. They had the ground when the polls opened, and when 55 had voted there were 4 Democrats.

(Objection withdrawn.)

Q. Did you notice anybody on the outside of the polling place who had official ballots?—A. I never saw any ballots on the outside; was not outside very much.

Q. Did you find it possible to control in the early morning hours or did they rush over you?—A. No; I couldn't control it; sometimes when I would open the door maybe 12 or 15 would rush in and I couldn't close the door.

Q. You were present when the vote was counted?—A. Yes.

Q. Was there any discrepancy between the number of names on the poll list and the number of votes cast?—A. Yes; there was. Seems to me there was 12 more than there were names on the poll list.

Q. Do you know how that came about?—A. No; I do not.

Q. You do not know whether in the rush the clerks failed to record the names or whether additional ballots were slipped in the ballot box?—A. I don't know; the house was so full they couldn't do anything at times and the clerks would get behind; I couldn't tell.

Q. Did most of the women in your community register?—A. Yes; most of them.

Q. Of the few who did not register, were more of them Democrats or Republicans, in your judgment?—A. Just three that I know of and they were all Democrats; nary Republican failed that I know of.

Cross-examination:

Q. Who were the managers of the election?—A. Albert Smith, Dock Curtis, and Mark Gilbert.

Q. Dock Curtis and Mr. Gilbert, Republicans or Democrats?—A. Both Democrats.

Q. Was the returning officer a Republican or Democrat?—A. Democrat.

Q. The Democrats had complete control, didn't they?—A. They had the majority of the officers, but they failed to control.

Q. Do you remember the vote of beat 17?—A. Something over 600; the Republican majority was 114.

Q. Can you state approximately about how many Democratic women received their registration certificates without appearing before the registrars?—A. I don't know exactly how many; some 7 or 8; but not all of them were Democrats; part of them were Republicans.

Q. Can you state approximately how many names of Democratic women in your beat you furnished the board of registration?—A. Seven or 8; I think I could call over them.

Q. Did you get the certificates of registration from the board and take back to the women or did you leave it with the board to deliver them?—A. I got them and sent them by other parties; I never delivered any certificates direct to these parties. Some of the folks would pass along and I would hand them to them and tell them to carry them to them.

Q. Dr. D. W. Wilson lives in the same beat you do?—A. Yes.

Q. Can you state how many names of Democratic women he sent into the registration board?—A. No; I do not know.

Q. Can you state how many other Democrats in your beat were getting the names of Democratic women and sending in either to Mr. Curtis or to the registration board?—A. No; I don't know.

Q. During the six days the board of registrars were at Fort Payne how much of that time were you at Fort Payne also?—A. I was here twice during the week.

Q. Were you here on the last day?—A. I don't know whether I was here on the last day or not.

Q. Did you get all the names of Democratic women handed in before the last day?—A. I don't know whether it was the last day or the day before the last day; they were in session, I know.

Q. On how many different occasions did you send in names?—A. Never sent in any but once.

Q. Do you know how Claris Rowell, George Drain and his wife, Miss McCroely, Mr. Brock and his wife, and the five parties you referred to voted at the election?—A. I never saw their ballots; they were Republicans.

Q. Do you know whether these five parties that you do not know were Republicans or Democrats?—A. Know them to be Republicans just like I know you to be a Republican.

Q. The unknown parties you speak of you know to be Republicans also?—A. Yes; some of them are Lincolnfelts.

Q. You don't know who put those ballots in the box?—A. No; I don't know anything about that.

Q. They were being put in while the fight was going on?—A. I couldn't tell you anything about when they were put in.

Q. You say Mr. Poole, whom you hit, was not a resident of beat 17?—A. He was a resident but had failed to pay his poll tax; was not a qualified elector out there.

Q. You did get offended at the Republican women coming in in such swarms, did you not?—A. No; not at them; I did at Mr. Poole for telling them to do it; knew they were complying with instructions and didn't blame them.

Q. Any negroes vote there that day?—A. No; we haven't any out there.

Q. All voters, both Republicans and Democrats, were white?—A. Yes.

Redirect examination:

Q. When the parties to whom you have referred as illegally voting in beat 17 came to vote did they call on Democratic or Republican markers to help them in filling their ballots?—A. Republicans.

W. B. SIZEMORE.

T. L. DOWNS, examined for contestee, testified:

Q. In what precinct in Dekalb County do you reside?—A. Seventeenth.

Q. Were you present during the election held last November?—A. Yes.

Q. State whether or not there was a considerable crowd and much confusion in and around the polling place?—A. Yes.

Q. Did you observe Edd Poole and Mrs. Poole that day?—A. Yes.

Q. State what each was doing with reference to the election.—A. Mr. Poole was a marker. She was on the outside rounding them up.

Q. Was she rounding up Republicans or Democrats?—A. Republicans.

Q. Did she during the day communicate with her husband on the inside? And if so, state by what means.—A. Well, she would talk to him through the window; get up on a plank and talk to him inside.

Q. Did you at any time hear Mr. Poole make any statement or give her any instructions as to what to do? If so, state it.—A. I heard Mr. Poole tell her that Mr. Sizemore said for them Republican women to stand back and let the white women vote some, too. He told her to rush them in; that he wanted to vote all as soon as he could.

Q. That was before or after the difficulty between Poole and Sizemore?—A. It was before the difficulty.

Q. Did you several times during the day observe Mrs. Poole when she had an official ballot on the outside of the polling place?—A. Yes; I saw her several times with a ballot showing the women how to vote.

Q. Did most of the women in that beat register?—A. Yes; the most of them.

Q. Of the few who did not register, would you say that more of them were Democrats or Republicans?—A. Democrats.

Cross-examination :

Q. You didn't examine this ballot Mrs. Poole had?—A. No.

Q. You don't know whether it was an official ballot or one of these skeleton ballots that everybody uses?—A. I saw her showing them how to mark it under the elephant ; I am sure it had an elephant on it.

Q. Can you give any idea how many Democratic women procured their registration certificates without appearing before the board of registrars?—A. No ; I don't know anything about it.

T. L. DOWNS.

W. S. HOLCOMB, examined for contestee, testified :

Q. In what beat in Dekalb County do you reside?—A. 9.

Q. Do you know the Cook families on the John Davis farm?—A. Yes.

Q. Do you know what their politics is reputed to be?—A. Republican.

Q. State, if you know, the names of the parties who moved some years ago from that farm to Georgia, and when they returned to Dekalb County.—A. The old man Cook—I don't know his given name—his wife, and his son-in-law, Carter, and his wife. The best of my knowledge, they left here some time in the fall of 1918 and returned along about March, 1920. I understood they had moved to Georgia.

Cross-examination :

Q. D'd these people you refer to vote?—A. I don't know whether they did or not.

Q. Do you know the politics of the son-in-law and his wife?—A. I can't really say that I do.

W. S. HOLCOMB.

M. L. GILBERT, examined for contestee, testified :

Q. Were you one of the managers of the election held in beat 17 last November?—A. I was.

Q. State what the conditions were with reference to being crowded in and around the polls, and at what period of the day was the crowd most dense.—A. It was a general rush ; run over and drag out ; the worst was in the morning.

Q. State whether or not the clerks were able to keep up with their lists or whether they would get behind.—A. They would get behind occasionally.

Q. If there was any difference between the number of ballots and the number of names on the polling list, state what it was.—A. There was some 10 or 12 more ballots than there were names on the poll list.

Q. Do you know how this discrepancy occurred? If you know anything about it, state what it is.—A. I do not.

Q. Which party carried the beat in that election and by how much?—A. The Republican Party, by something over a hundred.

Q. How did this beat go in previous elections for the last several years?—A. Mighty close before ; sometimes one way and sometimes another, by small majorities.

Q. Do you know Mr. Edd Poole?—A. Yes.

Q. Was he a qualified elector and did he vote in that election?—A. No.

Q. What, if anything, did he have to do with holding the election?—A. He didn't have anything to do with holding the election further than he was a Republican marker.

Q. Did he stay inside the polling place during the day?—A. From about 10 o'clock until the polls were closed.

Q. If you heard a conversation between Mr. Poole and Mr. Sizemore about opening doors, state what it was.—A. Mr. Poole demanded Mr. Sizemore to open the middle partition of the house ; Mr. Sizemore said he couldn't keep the crowd out from both places. Mr. Poole said he would open it anyway. That was about all there was.

Q. Did you hear Mr. Sizemore make a statement that was something like this : " You Republican women stand back and let the white women vote " ?—A. No ; I did not.

Cross-examination :

Q. These parties, spoken of as voting in beat 17, lived on or near the line between 25 and 17, did they not?—A. They lived near the line ; but I never seen those parties there at an election before.

Q. Do you know which side of the line they live on?—A. I've always heard they lived over; I don't know exactly.

Q. The knocking down and dragging out, spoken of in your direct examination, was done by Mr. W. B. Sizemore, was it not?—A. He done his part of it.

Q. Was there any knocking down and dragging out except what he did?—A. The general run over and rush over was done by Republicans through the windows and doors.

Q. Poole wanted to open this door, you spoke of, so as to allow the voters to come in at one door and go out at another, did he not?—A. I couldn't say what his intentions were.

M. L. GILBERT.

S. W. GILBERT, examined for contestee, testified:

Q. You are commonly known as Bob Gilbert?—A. Yes.

Q. Were you present at the election held in beat 17, last November?—A. I was.

Q. Was there much crowding and confusion in and around the polls?—A. There was.

Q. At what period in the day was the crowding worse?—A. Early in the morning.

Q. The early morning crowd, was it mostly of the Republicans or the Democrats?—A. Bigger portion Republicans.

Q. Did you hear anyone at the polling place state why the Republicans were crowding and rushing to vote?—A. Mr. Bob Rains said that was their instructions, by Col. Ishell, to vote by 10 o'clock. Rains was climbing in at a window, and I had gone inside to see him and ask him what he meant when he made the statement.

Q. Did most of the women in beat 17 register?—A. Most registered, of course, but hardly all registered.

Q. Were there more Democrats or Republicans who did not register in your beat?—A. I can't call to mind but three that didn't register and they were Democrats.

Cross-examination:

Q. Bob Rains crawled in at the window while the fight was going on, didn't he?—A. Yes.

Q. Complaint was made at that time, wasn't there, that the Democratic managers were slipping ballots in the box?—A. No; none to me.

Q. You were not a manager, were you?—A. I was appointed manager, but Mr. Curtis took my place.

Q. Who put the ballots in the box as they would vote?—A. I couldn't say; I was on the outside.

Q. Who put your ballot in the box when you voted?—A. I couldn't say for sure, I don't remember.

S. W. GILBERT.

J. H. McREYNOLDS, examined for contestee, testified:

(Contestant objects to the examination of this witness because no notice.—Objection withdrawn.)

Q. Were you summoned to appear here to-day?—A. Yes.

Q. What are your initials?—A. J. H.

Q. How does your subpoena read?—A. J. W. I knew it was me because there is but one McReynolds in the county.

Q. Now live in what precinct?—A. Beat 29.

Q. State about what proportion of the women out there registered.—A. All of them—I don't think there was but one, I don't think Will Arthur's wife registered. They all registered and voted.

Cross-examination:

Q. You know how many of the Democratic women of your beat registered without appearing before the registrars?—A. None. The registrars came to my beat.

Q. Was every Democratic woman there?—A. No; I don't think Will Arthur's wife went.

J. H. McREYNOLDS.

F. M. BROWN, examined for contestee, testified:

Q. Did you help hold the election in beat 16 last November?—A. Yes; I was a manager.

Q. How long have you lived out here in that beat?—A. A little over eight years.

Q. State what the conditions were in and around the polls on the election day, at what time of the day the congestion was greatest.—A. Well, we was considerably crowded early in the morning up until 11 o'clock, I guess.

Q. Was the returning officer able to control the crowd and keep them back at a reasonable distance from the polling place?—A. No; he was not. By the time we got the polls open the house was packed full. We opened the polls and the crowd rushed in on us so, we voted some 15 or 20. We asked the returning officer to get the people back out of the house to where we could go ahead with the election. I don't know just how long, but it was a right smart bit before he could get the people back to where we could hold the election; he didn't get them out of the house.

Q. That early morning crowd you spoke of, were they principally Republicans or Democrats?—A. Well, a great majority of the rush was Republicans that morning.

Q. If you heard any Republicans make any statements about having received instructions to vote before 10 o'clock state what you heard.—A. Well, the first I heard was on Friday before the election Tuesday. I was in the lower end of the county, me and Mr. Joe Parker, and it was the general talk that Mr. Isbell's instructions was to get the people to the polls by 8 and vote them by 10.

Q. I will ask you to state whether or not that was the general talk and the general rumor in your precinct.—A. Yes, it was the general talk, that they would get there and vote early.

Q. What reason, if any, was assigned for early voting?—A. All I heard was that the tickets might give out; something like that.

Q. How many Republicans other than the regularly appointed manager and clerk were inside the polling place helping in the election and marking tickets during the day?—A. Some five or six. Mr. Leander Durham, L. A. Durham, Ben Gilbreath, Albert Durham, and B. B. Durham; J. J. Durham was there most of the day in the house; Mack Durham was also there.

Q. State whether or not these Republicans insisted that they had a right to remain in the polling place and assist in the marking of tickets.—A. Yes; the markers did.

Q. Who was the regularly appointed Republican clerk?—A. Lee Harrison.

Q. Was he also a candidate in that election?—A. Yes; he was.

Q. State what for and whether he was elected.—A. He was elected justice of the peace.

Q. You know of any parties who registered in beat 16 who were not qualified to register?—A. Yes.

Q. Give the names of these parties and the reason why, in your judgment, they were not qualified to register.—A. Mr. Ben Hanby and wife, they hadn't been in the State two years. Mrs. Turner hadn't been in the State two years. La Fayette Glasscock, hadn't been in the State. That's all that I call to memory.

Q. Were these parties Republicans or Democrats?—A. They were Republicans.

Q. Do you know whether or not they voted in the November election?—A. None didn't vote but Mr. Glasscock, to the best of my recollection; he voted; the others did not.

Q. Which of the two parties was the more active in getting out women to be registered?—A. The Republicans, I would think, by a right smart.

Q. Did most of the women in your precinct register?—A. Yes; so far as I know, they pretty well all registered.

Q. Of those not registering, in your judgment, were more of them Republicans or Democrats?—A. I couldn't hardly say, really don't know of any that didn't register.

Cross-examination:

Q. The Republican women throughout the county showed great activity in getting registered, did they not?—A. Not so much as the men did register up them.

Q. The Democratic women didn't consider it so necessary for them to come before the board of registrars, did they?—A. So far as I know that's all the way any of them registered.

Q. You were not delegated as one of the Democrats from your beat to bring in the names to Mr. Curtis and the county board of registrars?—A. No; I was not.

Q. How many Democratic representatives in beat, in your judgment, that brought in names to the board of registrars and Mr. Curtis?—A. None that I know of.

Q. Kept you in the dark as to what was going on, didn't they?—A. I'd think not. The registrars had their posters up all over the county where they would be.

F. M. BROWN.

W. O. RUCKS, examined for contestee, testified:

Q. What did you have to do with the holding of the election in beat 16 last November?—A. I was clerk.

Q. State what the conditions were with reference to being crowded at the polling place during the day and at what time during the day the congestion was greatest.—A. I would say we were very badly crowded for three hours at least in the morning, so much that we couldn't go ahead with the work.

Q. Did you hear any Republicans in your precinct make any statement about having been instructed to vote early? State what you heard.—A. It was very generally talked that they wanted them to get out by 10 o'clock and vote early as possible.

Q. Do you know of any persons registering or voting who were not qualified?—A. Yes; I know a few; about the same ones Mr. Brown mentioned.

Q. Was the statement made by Mr. Brown in reference to the parties who were illegally registered true of your own knowledge?

(Contestant objects.)

A. Yes; I would say it was true to the best of my knowledge.

Q. If you know of any others you may so state.—A. I don't remember whether Mr. Brown told about Preacher Netherland's wife; she was one; also Mrs. Cecil Durham, she voted—don't know whether she voted or not.

Q. Was there any objection made to Mrs. Cecil Durham voting?—A. Yes; there was objection. There was such a rush, Mrs. Durham voted and handed in her ballot. Mr. Marshall told Mr. Brown that she wasn't a qualified voter. Mr. Brown put the ballot in the box, though. They got into a kind of a little uproar, a dispute between Democrats and Republicans as to whether it ought to go in, and the Republicans stated before we would have any trouble over this when we counted out at night they would withdraw one vote from the Republican side for Mrs. Durham's vote. When the count was made nothing was said that I heard about withdrawing it.

Cross-examination:

Q. Did Ben Hanby and wife and Mrs. Turner vote?—A. I don't remember it if they did.

Q. Did Glasscock vote?—A. To the best of my recollection Glasscock voted; neither of the others voted.

Q. Did he vote the Republican or Democratic ticket?—A. I couldn't tell you; didn't see him mark his ticket; but I suppose it was a Republican ticket; had reasons to believe it was.

Q. When did he move into the State?—A. Couldn't tell you about that; suppose, probably, he might have been born in this State; think he was raised in Chilton County.

Q. So far as you know, he was a qualified voter?—A. Wouldn't answer it that way. He hadn't been in this county long enough to be a qualified voter.

Q. When did he move into the county?—A. The one I am talking about moved here last summer. Lafayette was his name, Lafayette Glasscock.

Q. How many Democratic managers of the election did you have in your beat?—A. Two.

Q. And only one Republican?—A. One Republican—that is, as a manager.

Q. You know whether Cecil Durham's wife voted the Republican or Democratic ticket?—A. I do not know, but have good reasons to believe she voted the Republican ticket.

Q. You judging from the way most other people voted?—A. No; I am judging because her folks said they would take one Republican vote out rather than have a row about it.

Q. Was she not a qualified elector?—A. Well, I judge not.

Q. Did the instructions sent out by Isbell to the Republicans to get there early and vote by 10 o'clock have a good effect on the Democrats also?—A. It had a pretty good effect, I'll admit that—something did.

Q. Fact of the business, they were all there early?—A. I couldn't say; surely not; about 700 voted there that day and I don't think there was that many there early.

Q. You haven't much interest in the result of this election?—A. About as much so as any other man, I guess. I don't know whether I've got as much as some of the Republicans.

Redirect examination:

Q. You say Lafayette is a son of the old man Glasscock who has lived in the beat for a number of years?—A. Yes.

Q. What is the reputed politics of old man Glasscock?—A. Republican.

Q. Did most of the women in your precinct register?—A. I think so.

Q. How many in your judgment failed to register in beat 16?—A. I don't hardly know; I would guess something like a dozen or two.

Q. Of those not registering, how were they divided between the two parties?—A. The ones I heard express themselves were Democrats.

Recross-examination:

Q. Can you give approximately the number of Democratic women in your beat who registered by proxy?—A. Very nearly all of them; I'd say at least 75 or 80 per cent.

Rerredirect examination:

Q. In the last answer given Mr. Isbell, did you understand his question, and did you mean to say that at least 75 per cent of the Democratic women in your beat registered without coming before the board of registrars?—A. I just mean that there were about 75 per cent of the women registered out there when the registrars came around, all the women.

Q. Is it not a fact that during the six days the registrars sat at the courthouse quite a number of women, both Democrats and Republicans, came before the board here for registration?—A. I'd say yes.

W. O. RUCKS.

GUSS MARSHALL, examined for contestee, testified:

Q. What did you have to do with holding the election in beat 16 last November?—A. I was one of the managers.

Q. Did you hear Mr. Rucks's statement about the conversation in reference to Mrs. Cecil Durham's voting?—A. Yes.

Q. Were you present and heard that conversation at the voting place on the day of the election?—A. Yes.

Q. Most of the women in your community registered?—A. I don't know of but two that did not. Mrs. Goodrich and Mrs. Wisner. Mrs. Goodrich is of a Democratic family, and Mrs. Wisner is of a Republican family, and I heard it said she said she couldn't sleep at night for them coming after her to come and register.

Cross-examination:

Q. It wasn't necessary for the Democratic women to go before the board of registrars in order to secure a certificate?—A. I presume so; that's the way mine got it.

Q. You didn't know that the Democrats had men in each precinct of the county getting the names and ages of the Democratic women and presenting them to either Mr. Curtis or the board of registrars that certificates might be issued to them?—A. All that I knew was that in a day or two after the registration closed Uncle John Durham told me that you said that they had men taking names and registering Democratic women.

Q. How many Democratic women do you suppose registered in the county by proxy?

(Contestee objects.)

A. I have no idea.

Redirect examination:

Q. Do you have any idea how many Republicans got their certificates that way?—A. No; not any.

GUSS MARSHALL.

C. N. SOUTHERLAND, examined for contestee, testified:

Q. Were you an officer in beat 15 in the election last November?—A. Yes; I was a manager.

Q. Tell of the condition as to whether or not it was crowded around the polls at opening time and how long that condition existed.—A. Considerably crowded till about 11 or 12 o'clock.

Q. Do you know the people of your beat pretty well as to politics?—A. Pretty well.

Q. Tell which is greater in number.—A. Republicans. After the polls were opened—I suppose there was 250 or 300 people there when the polls opened, and after the polls opened the crowd began to rush into the house and filled the house up so full we couldn't do anything. I told the returning officer to put them out. He did.

Q. What was the result of the election in your beat?—A. Something over 500 voted; the Republicans were in the majority is the best of my recollection.

Q. Do you know whether or not most of the women of your beat registered?—A. So far as I know most of them did.

Q. Of those who did not register, were more of them Democrats or Republicans?—A. All that I know are Democrats that didn't register.

Cross-examination:

Q. What per cent of the Democratic women of your beat would you say registered by proxy?—A. As far as my own knowledge is concerned, I don't know of any.

Q. All you know is what you've heard?—A. I didn't hear anything particularly about it until after the contest came up.

Q. You knew Mr. Igon was going around and getting names of Democratic women, didn't you?—A. I did not.

C. N. SOUTHERLAND.

J. M. TUCKER, examined for contestee, testified:

Q. How long have you lived in Dekalb County?—A. All my life.

Q. What position do you now hold?—A. County superintendent of education.

Q. How long have you held that position?—A. Three years six months, I believe.

Q. Have you had occasion to travel over Dekalb County?—A. I have.

Q. I will ask you to examine the map marked "Exhibit A to the testimony of R. A. Burt." and state whether or not it is approximately a correct outline map of Dekalb County, showing the various precincts.—A. I would say it is approximately correct.

Q. I will ask you to notice the various places marked on there by stars in the various beats. In your judgment, are the places thus marked and named approximately correct geographically?—A. They are.

Q. When was the last school census taken in Dekalb County?

(Contestant objects.)

A. July, 1920.

Q. Where is New Oregon district No. 22 located?—A. Five miles nearly due east from Fort Payne in beat 28.

Q. Is that the census report of the census in the school district for the year 1920?—A. That is the record.

Q. I will ask you to state what that records shows in reference to Jane Pendergrass with reference to the day of her birth and age.

(Contestant objects.)

A. This record shows Jane Pendergrass was born the eighth month, 1901, and was 19 years old when this record was made.

Q. Where is district 17 located?—A. About 8 miles north of east of the town of Fort Payne in beats 28 and 21.

Q. Is the record I hand you the record of the census report filed in your office for the year 1920?

(Contestant objects.)

A. It is the record submitted by J. W. Biddle, the enumerator.

Q. I will ask you to state what the record shows with reference to Wilburn Blalock.

(Contestant objects.)

A. This record shows that Wilburn Blalock was born January, 1900, and was 20 years old at the time this record was made, in July, 1920.

Q. I will ask you to state whether or not it is a fact that the two records about which you have been questioned were sworn to as being true and correct by the census enumerators.

(Contestant objects.)

A. Each were duly sworn to, the one before James A. Croley, probate judge for Dekalb County, the other before George W. Crow, a notary public in and for said county.

Cross-examination:

You don't know that these records are correct, do you?—A. I would not swear that the records are correct.

J. M. TUCKER, *Supt. Ed.*

GEORGE LOVEWELL, examined for contestee, testified:

Q. In what beat in Dekalb County do you reside?—A. Beat 9.

Q. How long have you lived in beat 9?—A. Practically all my life.

Q. Do you know a family in this beat, or families, by the name of Robinson?—

A. Yes; I know of them.

Q. Name them?—A. Claud Robinson and his father; I don't know the old man's name.

Q. How long have they been in this beat?—A. To the best of my recollection, they moved here between the 10th and the 20th of November, 1919.

Q. Where did they move from?—A. I presume over near Menlo, in Georgia.

Q. Do you know the reputed politics of these men?—A. Republican, is my understanding.

Q. Do you know whether or not they voted in the election, 1920?—A. Personally, I do not; I've heard it said they voted.

Q. You know Mr. Owen, the hardware man, that lives in this beat?—A. I've known him since he came here.

Q. Do you know Mr. Teague, the Chero Cola man?—A. Only since he has been here.

Q. Did they come here together or did Mr. Owen come first?—A. Owen was here first.

Cross-examination:

Q. Where did Teague and Owen come from?—A. I couldn't swear as to that; I never knew them before they came here, out on the mountain.

Q. Do you know the reputed politics of the two men?—A. I do not.

Q. You understand that Teague is a Republican and Owen a Democrat?—A. I don't know as I could answer that question.

Q. You knew that Owen voted and that Teague did not?—A. I did not know that either voted.

Q. I will ask you if it isn't a fact that they shipped their household goods in the same car when they came to Fort Payne?—A. No; they didn't ship them.

Q. Isn't it a well-known fact that the registrars allowed Owen and his wife both to register in Dekalb County, and refused to register Teague and his wife?—A. I do not know.

Q. You voted after the polls closed yourself, didn't you?—A. I did not.

Q. What ticket did you vote?—A. Democratic.

GEO. N. LOVEWELL.

E. P. STEWART, examined for contestee, testified:

Q. In what precinct do you reside?—A. Precinct 9.

Q. What position do you hold in the office of the judge of probate?—A. Chief clerk.

Q. I will ask you to examine the map marked "Exhibit A to the Testimony of R. A. Burt." Have you compared the figures in red and black in the several precincts of the county with the official returns of the election held in the county last November as filed in the office of the judge of probate?—A. I have.

Q. I will ask you to state if the figures in red ink represent the number of votes received by Mr. Kennamer in each of the several precincts of the county as shown by the official returns on file in the office of the judge of probate.—A. They do.

Q. I will ask you to state whether or not the figures in black ink appearing under the figures in red ink in each of the several precincts shows the number

of votes received by Mr. Rainey in the election held last November as shown by the official returns on file in the office of the judge of probate.—A. They do.

Q. I will ask you to furnish and mark as Exhibit A to your testimony a list of the number of persons registered in Dekalb County, Ala., from October 8 to 26, 1920, distinguishing between the number of women registering and the number of men registering as shown by the registration books on file in the office of the judge of probate of Dekalb County, Ala.—A. I hand you such statement over the signature of James A. Croley, judge of probate, marked "Exhibit A to the Testimony of E. P. Stewart."

Q. I will ask you to produce and attached as Exhibit B to your testimony the number of votes received in the election held November 2, 1920, in Dekalb County, Ala., by the Democratic nominee for President; the Republican nominee for President; Mr. Rainey, the Democratic nominee for Congress; Mr. Kennamer, the Republican nominee for Congress; Mr. Hale, the Democratic nominee for tax assessor; Mr. Durham, the Republican nominee for tax assessor; Mr. Tolber, Democratic nominee for tax collector; and Mr. Gravitt, Republican nominee for tax collector, as shown by the official returns filed in the office of the judge of probate.—A. I hand you such statement over the signature of James A. Croley, judge of probate, marked "Exhibit B to the Testimony of E. P. Stewart."

Cross-examination:

Q. Does the figures exhibited by you show Republican gains over former elections?—A. Yes.

Q. At the same ratio of Republican gain, in your judgment, how long before the Democratic Party would be practically extinguished in Dekalb County, Ala.?—A. It looks like next election they might get it all, unless they see the light in the meantime.

E. P. STEWART.

EXHIBIT A TO THE TESTIMONY OF E. P. STEWART.

THE STATE OF ALABAMA, *Dekalb County*.

Following is the total number of persons registered in Dekalb County, Ala., from October 8 to 26, 1920, inclusive, as is shown by registration books Nos. 1 to 4, inclusive, filed in the probate office of the county and State aforesaid:

Book No. 1, beats 1 to 12, inclusive, and beats 19 and 20:

Women -----	1, 748	
Men -----	19	
		<hr/> 1, 767

Book No. 2, beats 13, 14, 15, 16, and 23:

Women -----	1, 001	
Men -----	5	
		<hr/> 1, 006

Book No. 3, beats 17, 18, and 28:

Women -----	999	
Men -----	6	
		<hr/> 1, 005

Book No. 4, beats 21, 22, 30, 29, 24, 25, 26, and 27:

Women -----	1, 057	
Men -----	12	
		<hr/> 1, 069

Total -----	4, 847
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Total women -----	4, 805
Total men -----	42

4, 847

THE STATE OF ALABAMA, *Dekalb County*.

I, James A. Croley, judge of probate in and for said county, in said State, hereby certify that the foregoing is a true and correct number of persons registered as above stated, as is shown by the registration books filed in this office.

Given under my hand and official seal this 15th day of March, 1921.

[SEAL.]

JAMES A. CROLEY,

Judge of Probate Court, Dekalb County, Ala.

EXHIBIT B TO THE TESTIMONY OF E. P. STEWART.

THE STATE OF ALABAMA, *DeKalb County.*

I, James A. Croley, judge of probate in and for said county, in said State, hereby certify that the official returns of the election held November 2, 1920, filed in this office, show that the following candidates received the number of votes set opposite their names:

Cox, Democratic nominee for President.....	3, 894
Harding, Republican nominee for President.....	4, 852
Rainey, Democratic nominee for Congress.....	3, 920
Kennemar, Republican nominee for Congress.....	4, 859
Hale, Democratic nominee for tax assessor.....	4, 020
Durham, Republican nominee for tax assessor.....	4, 785
Tolbert, Democratic nominee for tax collector.....	3, 942
Gravitt, Republican nominee for tax collector.....	4, 840

This March 16, 1921.

[SEAL.]

JAMES A. CROLEY,

Judge of Probate Court, DeKalb County, Ala.

THE STATE OF ALABAMA, *DeKalb County, ss:*

I, J. A. Downer, a notary public in and for said State and county, and duly authorized by L. B. Rainey, contestee, to take the depositions of witnesses in his behalf in the cause wherein C. B. Kennamer, contestant, is contesting the certified election of the said L. B. Rainey, contestee, to the Sixty-seventh Congress of the United States of America, from the seventh congressional district of Alabama, hereby certify that I have caused to come before me at Fort Payne, Ala., on March 15, 1921, the same being the place and time mentioned in the notice of examination of witnesses attached to these depositions, the witnesses named in the said depositions, for the purpose of giving evidence in behalf of L. B. Rainey, contestee.

I further certify that the said witnesses named in said notice and in said depositions were duly sworn and cautioned to speak the truth, the whole truth, and nothing but the truth; and all relevant questions propounded to them by the said L. B. Rainey, contestee, and the said C. B. Kennamer, contestant, and their answers thereto, were taken down by me in the language of the witnesses, as near as may be, in the presence of said witnesses, who signed the same after the same was read to them in my presence, as their true evidence on said examination. The foregoing depositions, numbered from page 1 to page 52, inclusive, contains the depositions of said witnesses complete.

I further certify that at the examination of said witnesses counsel for contestant was present and cross-examined or had opportunity to cross-examine said witnesses.

I certify that I am neither of counsel nor of kin to the said L. B. Rainey, contestee, or C. B. Kennamer, contestant, and that I have conducted the examination of the aforesaid witnesses fairly and according to law to the best of my ability.

Given under my hand and seal this the 5th day of April, 1921.

[SEAL.]

J. A. DOWNER,

Notary Public, Commissioner for L. B. Rainey.

NOTICES TO TAKE DEPOSITIONS.

TO C. B. KENNAMER, *Contestant:*

Take notice that L. B. Rainey, contestee, will take the deposition of witnesses named in this notice, at the courthouse of Blount County, Ala., before Mrs. Nations, duly authorized commissioner, beginning at 9 o'clock a. m. on Tuesday, the 15th day of March, 1921, and from day to day thereafter until the examination of said witnesses is completed.

The names and addresses of witnesses are as follows: John Sivley, H. A. Love, John L. Cobb, Blountsville, Ala.; H. C. Blackwood, Cleveland, Ala.; F. G. Alldredge, C. S. Nations, John Moore, H. C. McPherson, W. M. Hagood, R. W. Buckner, all of Oneonta, Ala.; B. D. Nash, J. W. Nash, Elmer Fowler, L. W. Ellison, all of Walnut Grove R. 2; Will Kerr, Jasper Webb, Altoona R. 3;

and D. F. Tidwell, Cleveland R. 1; all of said witnesses living in Blount County, Ala.

ALTO V. LEE,
Attorney for Contestee.

I, Alto V. Lee, attorney for L. B. Rainey, contestee, hereby certify that I have executed the above notice by serving a copy of the same on the Hon. Thomas H. Stephens, attorney for C. B. Kennamer, contestant, this 12th day of March, 1921.

ALTO V. LEE,
Attorney for Contestee.

To C. B. KENNAMER, *Contestant*:

Take notice that L. B. Rainey, contestee, will take the deposition of witnesses named in this notice at the courthouse of Blount County, Ala., before J. C. Nation, duly authorized commissioner, beginning at 9 o'clock a. m. on Friday, the 18th day of March, 1921, and from day to day thereafter until the examination of said witness is completed.

The names and addresses of witnesses are as follows: V. R. Brice, Tom Spradling, and Barney Pearmon, all of Altoona, Route 3, Ala. All of said witnesses living in Blount County, Ala.

P. A. NASH, *Attorney for Contestee.*

I, P. A. Nash, attorney for L. B. Rainey, contestee, hereby certify that I have executed the above notice by serving a copy on J. B. Sloan, attorney for C. B. Kennamer, contestant, this the 16th day of March, 1921.

P. A. NASH, *Attorney for Contestee.*

ONEONTA, ALA., *Blount County*:

On this the 15th day of March, 1921, the undersigned commissioner, J. C. Nation, in pursuance to notice heretofore given by the contestee to the contestant that the contestee would at this time and place proceed to examine certain named witnesses, a copy of which notice is hereto attached and which was served on the contestant on the 12th day of March, 1921, by leaving a copy with Thomas H. Stephens, one of the attorneys for the said C. B. Kennamer, said witnesses are for and on behalf of contestee.

It is agreed by both parties that when either party wishes to make an objection to any question or answer it will be sufficient to note in the testimony merely that an objection was made without setting out the grounds of the objection.

J. B. SLOAN,
Attorney for Contestant.
P. A. NASH,
Attorney for Contestee.

JOHN L. COBB, a witness examined on behalf of the contestee, testifies as follows:

Q. What is your name, where do you live, and what office, if any, do you hold?—A. John L. Cobb; live at Blountsville, Ala.; and hold the office of justice of the peace.

Q. In what precinct of Blount County is Blountsville?—A. Precinct No. 5, Blountsville precinct.

Q. Did you live at Blountsville on the 2d day of November, 1920?—A. I did.

Q. Were you present when the polls opened at Blountsville, in Blountsville precinct No. 5, on the 2d day of November, 1921?—A. I was.

Q. Who were the election officers in that precinct at that election?—A. H. A. Love, Robert Tidwell, Jesse Phillips were managers, J. M. Sivley and John Hendrix were clerks, and T. W. Posey was returning officer.

Q. State whether or not the said managers and clerks were sworn in as such on the morning of said election.—A. They were.

Q. Who swore them in?—A. I did.

Q. Where was said election held in Blountsville, with reference to the particular place where the previous elections had been held?—A. It was held in a storehouse commonly called the Dick McPherson store.

Q. How far was this storehouse from the place where they previously had been held?—A. Just a partition wall between.

Q. Were you present at the polls at that place during the greater part of that day?—A. Yes.

Q. In what part of the building was the election held?—A. In the rear.

Q. About how far was it held from the front door of said building?—A. Thirty feet.

Q. Through which door did the electors enter to vote?—A. The north or front door.

Q. State whether or not the electors were allowed to enter the building except as they entered to vote.—A. Not to my knowing.

Q. State whether or not there was a large number of people there at the polls during that day.—A. Yes; a good, large number.

Q. State where they were.—A. In the streets—the outside was roped off 10 or 12 feet from the door—the people were not allowed inside of said rope only as they entered to vote.

On cross-examination of Mr. Cobb by Jas. B. Sloan, attorney for contestant, witness testified as follows:

Q. What time did the polls open in Blountsville precinct No. 5 on November 2, 1920?—A. Eight o'clock.

Q. What time did you arrive at the polls?—A. About 7.30 o'clock.

Q. Name the politics of the managers, clerks, and returning officer, respectively?—A. H. A. Love, Robert Tidwell, Democrats; Jesse Phillips, Republican; John Hendrix, Democrat; J. M. Sivley, I suppose is a Democrat; T. W. Posey is a Democrat; I can not say positively what Mr. Sivley's politics is.

Q. Please explain how you swore the election officials in?—A. I had each official to sign the oath on the blanks and then I said do you, and each of you solemnly swear that you will carry out the oath that you have signed to the best of your several abilities, so help you God.

Q. Did you have them hold up their hands?—A. Yes, sir.

Q. Did they sign the oath before you administered it?—A. Yes.

Q. Where was the election of 1918 held in Blountsville precinct?—A. I was away from home at that election.

Q. Where was it held in 1916?—A. My recollection is it was held in my office.

Q. How far is that from where it was held in 1920?—A. About 10 feet.

Q. Is that in the same or a different building?—A. It is in a different building.

Q. Were you at the polls all day 1920 election?—A. Just about all day I was around the polls.

Q. Do you know how many voters were allowed within the polls at any one time during the day?—A. Not over four.

Q. You were not within the polls yourself, except to vote and swear in the officials?—A. No; except to put Bob Dingler out.

Q. When you went in to put Mr. Dingler out what did you say to him?—A. I told him to get out of there, that he had no business in there; and I told the returning officer to put him out, if he did not I would.

Q. Do you know what Mr. Bob Dingler went in there for?—A. I do.

Q. State what it was?—A. He went in there to challenge a lady's vote.

Q. What was her name?—A. Mrs. Whittaker.

Q. What did you say to him, if anything, about challenging votes?—A. I told him he had no right to challenge any lady's vote, that there is where she became eligible to vote.

Q. Was that all you said to him?—A. I told him that I was going to see that she voted.

Q. Did you tell him to get off the grounds and not come back any more that day?—A. No, sir.

Q. Do you know of Mr. Tidwell's wife voting out there that day in an automobile?—A. I do not.

Q. What is your politics?—A. I am a true-blue Democrat.

Q. Are you a partisan Democrat?—A. You are mighty right I am.

On redirect by Mr. NASH, witness testified as follows:

Q. State whether or not Mr. Bob Dingler went into the polls several times on that day other than to vote?—A. Not to my knowledge, except that time.

On recross by Mr. SLOAN, witness testified as follows:

Q. Did you register any voters before during the last election?—A. No, sir; I am not a registrar.

Q. Did you take any applications?—A. No, sir.

Q. Do you know of anyone else other than the registrars taking any applications for registration or registering any voters?—A. I do not.

Q. Do you know of the registrars registering any voters except at the regularly advertised places for registration?—A. I do not.

JOHN L. COBB.

Sworn to and subscribed before me, this March 15, 1921.

J. C. NATION, *Commissioner*.

JOHN M. SIVLEY, a witness examined on behalf of the contestee, testified as follows:

Q. What is your name, and where did you reside on the 2d day of November, 1920?—A. John M. Sivley, and reside at Blountsville, Ala.

Q. State whether or not you were an official of the election held on November 2, 1920, in Blountsville precinct No. 5; if so, what?—A. I was a clerk in said election.

Q. State whether or not the managers and clerks at said polls were sworn in on the morning of said election?—A. They were.

Q. By whom were they sworn in?—A. Mr. John L. Cobb.

Q. State whether or not he was a justice of the peace at that time?

(Objection by contestant.)

A. He was.

Q. Do you know how come John L. Cobb to come to the polls and swear said officials in?

(Objection by contestant.)

A. I went after him.

Q. Do you know Mrs. Bob Tidwell, the wife of one of the managers at said election?—A. I do.

Q. What was her physical condition at the time of said election?

(Objection by contestant.)

A. She had been crippled for years by rheumatism.

Q. State whether or not she voted at said election, and if so where?—A. I supposed she voted in the car in front of the door where the election was held.

Q. Who carried the ticket to her, if anyone.

(Objection by contestant.)

A. Uncle Bob Tidwell and Uncle Jesse Phillips.

Q. Was Uncle Jesse Phillips one of the managers at said election?—A. He was.

Q. Was he a Democrat or a Republican?—A. Republican.

Q. Do you know of your own personal knowledge whether Mrs. Bob Tidwell voted for Mr. Kennamer or Mr. Rainey in said election?—A. I do not.

On cross-examination by Mr. SLOAN, witness testifies as follows:

Q. Was the election of 1920 held in the same building in which it was held in 1918?—A. I think not.

Q. Do you remember the building it was held in in 1918?—A. My recollection is it was held where Mr. Cobb's place of business is at present.

Q. How far is that from where it was held in 1920?—A. Some 50 or 60 yards.

Q. Were you present all day at the November election?—A. I was.

Q. How many people was present in the polls at any one time during the day?—A. Not more than four or five at any one time.

Q. You don't know whether Mrs. Bob Tidwell voted there that day or not, do you?—A. I did not see her vote.

Q. Did you write her name as a voter on the poll list?—A. I did not.

Q. Did the other clerk write it?—A. Yes, sir.

Q. Do you know that two of the managers went out into the streets outside of the polling place with a ticket and brought that ticket back and put it in the voting box?—A. They did.

Q. You say you don't know the politics of Mrs. Tidwell?—A. No, sir; I do not know.

Q. What is the politics of her husband?—A. He is a Democrat.

Q. Give your best judgment as to who Mrs. Bob Tidwell voted for for Congress.

(Objection by contestee.)

A. I do not have the least idea.

Q. How did Mrs. Bob Tidwell get to the polls?—A. She was brought there in a car, but I do not know who run it.

Q. What is your politics, Mr. Silvey?—A. I am a Democrat; that is the way I vote.

Q. Are you a partisan Democrat?—A. Yes, sir.

Q. Do you know of any voters being registered by parties other than the registrars?—A. I do not.

Q. Have you any information as to any voters being registered by parties other than the registrars?

(Objection by contestee.)

A. I do not.

Q. How many people were around the polls—immediately around the polls at any one time during the election day of 1920?—A. Fifty or seventy-five.

Q. There was quite a commotion around the polls during the election day, was there not?—A. Don't know that I could say there was.

Q. You knew about John Cobb coming in and putting out Mr. Dingler, did you not?—A. I did.

Q. Do you remember what Mr. Cobb said and did?—A. My recollection is he caught him by the arm and told him he had no business in there, and they just walked out at the door.

Q. Did Mr. Cobb hold to him until they got to the door?—A. No, sir; I don't think he did. They walked on a few steps and he turned him loose, and they walked on out together.

Q. What was Mr. Bob Dingler doing within the polls?—A. Came in to challenge Mrs. Whittaker's vote.

Q. Did he challenge her vote?—A. You are not allowed to vote here.

Q. Did he not say he wanted to challenge her vote to the managers?—A. He said this woman is not allowed to vote here.

Q. Did he say why?—A. No, sir.

Q. Well, did she vote?—A. Yes.

Q. Did she vote a challenged vote?—A. No.

On redirect by Mr. NASH witness testified as follows:

Q. You testified on cross-examination that during the day of said election that there were as many as 75 people immediately around the polls. Now state at what particular place around the polls those people were.—A. They were out in the streets in front of the building where the election was being held.

Q. State whether or not the Republicans in said precinct rushed to the polls to vote in the early part of the day at said election?—A. They seemed to number some faster.

JOHN M. SIVLEY.

Sworn to and subscribed before me this March 15th, 1921.

J. C. NATION, *Commissioner*.

H. A. LOVE, a witness examined on behalf of the contestee, testifies as follows:

Q. What is your name, and where did you reside on November 2, 1920?—A. H. A. Love; I live at Blountsville, Ala.

Q. Do you know John M. Sivley, who has just testified?—A. Yes, sir.

Q. Is he and John Sivley, of Blountsville, the same person?—A. Yes, sir.

Q. What office, if any, did you hold in Blount County on the 2d day of November, 1920?—A. I was county commissioner of the second district.

Q. State whether or not you were a manager at the election held November 2, 1920, in precinct No. 5 at Blountsville, Ala.—A. I was.

Q. State whether or not the managers and clerks at said polling place at said election were sworn in on the morning of the election.—A. They were.

Q. Who swore them in?—A. Mr. John L. Cobb.

Q. State whether or not he was a justice of the peace.—A. He was.

Q. Where was said election held in Blountsville, with reference with where previous elections had been held.—A. The 1918 election was held in South's store, about 50 or 60 yards away; previous election had been held in an office adjoining the house where 1920 election was held.

Q. Do you know Mrs. Bob Tidwell, of Blountsville precinct?—A. I do.

Q. What was her physical condition on the day of said election?

(Objection by contestant.)

A. She was an invalid.

Q. Was she able to walk at that time?

(Objection by contestant.)

A. She was not.

Q. Did she vote at said election; if so, where?—A. She did; in front of the store where the election was held.

Q. Who carried her ticket, if anyone.

A. Two of the managers, Robert Tidwell and Jesse Phillips.

Q. Did they go outside of the ropes that was stretched just outside of the door to carry the ticket to her?—A. They did not.

Q. By whom was the ticket returned and deposited in the voting box?—A. It was given to me by Mr. Tidwell, and I tore off the perforated end of the ticket and gave it to Mr. Phillips and he deposited it in the box.

Q. Was this Mr. Phillips the Republican manager at said election?—A. He was.

Q. Was there any contest or objection to Mrs. Tidwell voting as she did by anyone?—A. None whatever.

Q. In what part of the building was the said election held?—A. In the rear.

Q. At what door did the electors enter to vote?—A. They entered the front door.

Q. About how far was the election held from the front door of said building?—A. About 30 feet.

Q. About how many electors were admitted on the inside of that building to vote during said election at the same time?—A. Four.

Q. Was there or not a large crowd on the outside of the building near the voting place?—A. There was.

Q. State whether or not the Republicans in said precinct made an unusual rush to vote in the early part of the day at said election.—A. They did.

Cross-examined by Mr. SLOAN, witness testified as follows:

Q. Where were you at the time these two managers carried the ticket out on the street to be voted?—A. I was at the table where the election was being held.

Q. Did you see Mrs. Bob Tidwell vote?—A. No, sir; I did not see her vote.

Q. Do you know whose ticket the managers put in the box when they came back?—A. They put the one they carried out for Mrs. Tidwell to vote.

Q. Do you know whether or not Mrs. Tidwell voted that ticket?—A. I didn't see her mark the ticket.

Q. Do you know that that particular ticket was not voted within the polling place?—A. No; I don't know that it was not voted within the polling place.

Q. What do you consider the polling place at an election?—A. Where the three managers agree to accept a ticket.

Q. If the three managers should agree to accept a ticket a half mile away from the polling place, or the immediate place of holding the election, would you consider that a polling place?—A. I would if two of the managers would go and receive the ticket.

Q. Do you know Mrs. Bob Tidwell's politics?—A. I do not.

Q. Do you have any judgment as to who she voted for for Congress in the last election?—A. I have an idea.

Q. Give us the idea.

(Objection by contestee.)

A. I think she voted the Democratic ticket.

Q. Isn't it a fact that the 1920 election was held in a building a town block away from where it was held in Blountsville precinct in 1918?—A. It's a small block.

Q. Did you ever measure that block?—A. I did not.

Q. Do you know how long it is?—A. I do not; it is some 50 or 60 yards.

Q. Do you know about how many feet wide or long the block is?—A. I suspect it is 300 feet.

Q. You say the Republicans made a rush to vote on the morning of the November election?—A. They sure did; about three-fourths of them voted in the forenoon.

Q. What did the Democrats do?—A. They kept coming up to the last hour.

Q. Didn't they sorter rush in the morning?—A. They did not.

Q. How many Republicans voted at said election?—A. About 80 or 82.

Q. How many Democrats voted at that box?—A. Something more than 400.

Q. Were there not some one voting all the time during the day?—A. Yes.

Q. What time of the morning was it when Mr. Cobb swore the election officials in?—A. Between 7.30 and 8 o'clock.

Q. Do you know how he swore them?—A. I do; he had us to sign the printed oath, and then had us to raise our hands and said: Do you, and each of you, solemnly swear that you will perform your duties of inspectors and clerks of this election to the best of your ability, so help you God. I think that is something like the oath that we took.

Q. Did you register any voters?—A. No, sir.

Q. Do you know of anyone, other than the registrars, who did?—A. I do not.

Q. Did you have any information of anyone, other than the registrars, registering anyone?—A. No, sir.

Q. Did the registrars have a regularly advertised registration at Blountsville precinct at the November election?—A. I think so.

Q. How long did the registrars stay at Blountsville precinct?—A. About four hours, I think, I am not positive.

Q. Did they come there more than once?—A. Not that I know of.

Q. Do you know of any one of the registrars registering voters in or around Blountsville at any time other than this regular registration?—A. No, sir.

Q. What is your politics, Henry?—A. I am a Democrat.

Q. Are you a partisan Democrat?—A. I don't know what that is.

Q. Would you vote for a man on the Democrat ticket good or bad?—A. If he was the Democratic nominee, I would.

Q. If he was the nominee of the Democratic Party regularly would you vote for him regardless of his principle?

(Objection by contestee.)

A. I would.

H. A. LOVE.

Sworn to and subscribed before me this March 15, 1921.

J. C. NATION, *Commissioner*.

H. C. BLACKWOOD, a witness examined on behalf of the contestee, testifies as follows:

Q. What is your name and where did you reside just prior to November 2, 1920?—A. Houston Blackwood, and resided at Cleveland, Ala.

Q. In what precinct is Cleveland, Ala.?—A. Twelve.

Q. In what business were you just prior to November 2, 1920?—A. Mercantile and heading-mill business.

Q. At what place were you in the heading-mill business?—A. Cleveland, Ala.

Q. About how many hands were you working at the heading mill just prior to November 2, 1920?—A. About 16.

Q. Do you remember the night that the registrars were in Cleveland just prior to November 2, 1920, about the 18th of October?—A. I do.

Q. State whether or not on that particular night you were operating your heading mill.—A. I was.

Q. On the day previous to that night did you operate your heading mill all day?—A. The crew that operates the machinery that manufactures the heading after it goes through the kiln operated that day; the crew that prepares the stuff for the kiln worked about one hour in the morning.

Q. When, if at all, did the crew that prepares blanks for the kiln next begin work after that morning?—A. About 7 or 7.30 o'clock that night.

Q. How long did they work that night?—A. Until 12 o'clock.

Q. By what is your mill operated, steam or electricity?—A. By steam.

Q. If your mill whistle was blown in the early part of that night, explain in what way it was blown and for what purpose.—A. It was blown two short blows, that is the call signal for the men who work at the mill.

Q. Was the signal blown that night for your men?—A. It was.

Q. Were you accustomed to operating your heading mill at night prior to that time?—A. We had operated three or four nights during last year, but it was not always necessary to blow for the men; it was only blown when the men were not there.

Q. State why only one crew of your men worked on that particular night and why it was necessary to give them the signal to come to work.—A. One of the machines that was on the green end side that prepares the blanks for the kiln was broken down in the early part of the morning and stopped their operation, and the crew that worked on the dry end side operated during the balance of the day. I carried the broken piece of the machinery with me to

Birmingham to get it mended and had an understanding with the men who operated the green end side that if I got the piece mended and got back home that night that we would operate that part of the machinery that night long enough to replace enough blanks in the kiln to fill it; I told them I would blow the call signal when I got it ready for operation, which was too short blows; I did this and waited about 10 minutes; one man failed to come, and then I blew the second time.

Q. Was the whistle to your mill blown on that night at all as a signal for the Democratic women to come before the registrars and register?—A. It was not.

Q. About what is the population of Cleveland?—A. About 200.

On cross-examination by JAS. B. SLOAN, the witness testified as follows:

Q. Mr. Blackwood, the night you have been testifying about, was that the night the registrars came to Cleveland to register the voters?—A. It was.

Q. Was that a regularly advertised place of registration by the registrars?—A. I do not know.

Q. Did you see the list of the advertisement of the registrars for registration in Blount County?—A. I think I did.

Q. Was Cleveland on the list?—A. I don't think it was.

Q. Was there any public notice posted in Cleveland signed by any member of the registration board?—A. I did not see any; I was informed that morning that they would be there that night if they could get through at Remlap and Locust Fork in time. I got the information from the registrars.

Q. Did they tell you to publish it over there that day?—A. They did not tell me to publish it, but the statement was made in my store in the presence of half dozen men or more.

Q. Who were those men?—A. The only names I can give at this time is the men who was working in the store for me, W. L. Hendricks, D. J. McCarns, and Ernest Parker; that is all I remember of.

Q. You are a Democrat, are you not?—A. Yes; and am not ashamed of it.

Q. Were these other men in your store whom you have mentioned Democrats?—A. No; they were not all what I call Democrats.

Q. Which one is it that is not a Democrat?—A. W. L. Hendricks and D. J. McCarnes.

Q. Are they Republicans?—A. They vote a mixed ticket sometimes.

Q. Do you know of any sure enough Republicans in Cleveland beat that got notice of this registration?—A. No others than the ones mentioned.

Q. Did any of your family register there that night?—A. They did.

Q. About how many registered there that night?—A. I could not say.

Q. How many was there when you were there?—A. Six or eight.

Q. In what building did they hold the registration?—A. In the drug store.

Q. Is that Dr. Miles' drug store?—A. Miles & Brown.

Q. Dr. Brown is the son of one of the registrars, is he not?—A. He is.

Q. Did you see any Republicans there registering that night?—A. I don't remember any; I did not look for them.

Q. Do you know of any folks being registered around there by any person other than the registrars?—A. I do not.

Q. To refresh your recollection don't you know that Dr. J. S. Wittmeier and Dr. W. C. Miles registered some women shortly before the November election?—A. I never heard of it before.

Q. How many Republicans voted in Cleveland the last election?—A. About all they had, but I do not know the number.

Q. About how many Democrats voted that day in Cleveland?—A. I don't know the number.

Q. Is it not a fact that the Democratic Party in Cleveland has a considerable majority over the Republicans?—A. They have.

Q. Mr. Blackwood, you know of the registrars registering voters at several places in the county other than they had advertised?—A. I don't know of my own knowledge.

Q. You had information that they did, did you not?—A. I do not remember of any such information.

Q. Did you not have information that parties other than the registrars registered voters just before the November election?

(Objection by contestee.)

A. I don't remember having such information.

Q. Do you say you are a Democrat?—A. I sure do.

Q. Are you a partisan Democrat?—A. I am if you will let me give you the definition of what I think a partisan Democrat is.

Q. What is your definition?—A. It is a Democrat who thinks that any man that the Democratic Party sees fit to put on the ticket is a better man for the place than the man the Republican Party puts up.

Q. Would you vote for a man the Democratic Party nominates, right or wrong?

(Objection by contestee.)

A. No; but I wouldn't vote for the Republican.

Q. Would you vote for a Republican if thought it was right?

(Objection by contestee.)

A. No.

Q. Would you vote for a man nominated on the Democratic ticket regardless of what he stood for?—A. No.

Redirect by Mr. NASH, the witness testified as follows:

Q. Do you know where Locust Fork, Blount County, is?—A. I do.

Q. How far is it from Cleveland?—A. About 6 miles.

Q. State whether or not Cleveland is on the usual route of travel in going from Locust Fork to Oneonta.

(Objection by contestant.)

A. It is.

Q. On the night that the registrars registered the women in Cleveland state whether they registered them in a public place or secretly registered them.—

A. In a public place.

Recross by Mr. SLOAN, witness testified as follows:

Q. Were these registrars registering people in the front or back room?—A. In the front room.

Q. In your opinion, did the Republicans ever advocate anything that you thought was right?—A. They may have; I would not say that I had not heard of anything.

Q. You do not recall anything right now, do you?—A. No.

H. C. BLACKWOOD.

H. C. McPHERSON, a witness, examined on behalf of the contestee, testifies as follows:

Q. What is your name, where do you live?—A. H. C. McPherson, and I live at Oneonta, Blount County, Ala.

Q. Are you a qualified elector?—A. I am, in precinct 36, Oneonta, Ala.

Q. State whether you was a clerk in the general election November 2, 1920, in precinct No. 36.—A. I was.

Q. State whether or not, if there was more votes counted than there was names on the poll list in said election in Oneonta precinct.—A. My recollection there was.

Q. About how many?—A. My best recollection there was three or four.

Q. Did you assist in counting these votes?—A. I kept one tally sheet.

Q. Can you explain why there was more votes counted than there were names on the poll list?—A. No; I can not; I did not discover it until the next day.

Q. Do you know of any irregularities, or any illegal votes cast at this particular precinct?—A. At the time I thought some voted that ought not to have, but I could not say they were illegal votes.

Q. State whether or not in your opinion that there was any intentional fraud committed by having these three or four votes more than there were names on the poll list.—A. There was no fraud on the part of the managers or clerks of any kind, so far as I know.

Q. State whether or not the polls were not crowded early in the morning.—A. There seemed to be a rush until about half past 9 o'clock.

Q. State whether or not that the majority of these voters who voted and crowded the polls in the early part of the morning were not Republicans.—A. My judgment is they were.

Q. State whether this is a Republican or Democrat precinct.—A. I think it is slightly Democratic.

Q. State whether or not you heard any rumors or talking that the tickets would run short, and if they didn't vote early they would not get to vote.—A. I heard some talk of that kind.

Q. By whom was this talking done, Democrats or Republicans?—A. About all I heard was from the officers who were preparing to take some more tickets to places which had been reported short.

Q. State whether or not, if you heard reports that tickets would be short or had been stolen from these boxes.—A. I think I heard that report in the same way, either from the officers or from someone who had reported to the officers, or some one quoting the officers.

Q. Do you know Judge J. J. Curtis?—A. No.

Q. Did you hear Judge Curtis make a speech here in the courthouse on Saturday before the election?—A. No; I did not hear him.

Q. Did you hear a report that Judge Curtis had stated in his speech in the courthouse a few days before the general election, informing the Republicans to vote early, as there would be a shortage of ballots?

(Objection by contestant.)

A. I heard that report.

Q. Do you know that Judge Curtis is a Republican?—A. My information is he is a Republican.

On cross-examination by JAS. B. SLOAN, the witness testifies as follows:

Q. How many votes were cast at the last election in the Oneonta box?—A. I do not remember.

Q. Could you state that there was over 600 votes cast?—A. No; I do not remember.

Q. Could you state there was over 400?—A. I think there was more than 400.

Q. Is it not a fact that in the last election that the Democrats carried this box by more than 100 majority?—A. I do not remember.

Q. You do remember that the Democrats carried by a considerable majority this precinct?—A. The Democrats carried it by a right good majority.

Q. How do you arrive at the conclusion that the majority of the Republicans voted before noon?—A. I did not state that a majority that voted before noon were Republicans; I stated that a majority of the votes before 9.30 were Republicans.

Q. How do you arrive at that conclusion?—A. By my knowledge of the voters of the precinct and their politics and my observation of the voting.

Q. How many had voted up to 9.30?—A. I do not remember about that now.

Q. Were the polls crowded at any time during the day?—A. Not very excessively; there was a number waiting up to 10 or 11 o'clock.

Q. How many were within the polls at any one time during the day?—A. I could not say about that.

Q. Is it not a fact at different times during the day there was a crowd within the polls?—A. There was as many as five or six besides the officials.

Q. Was there not quite a confusion in and around the polls several times during the day?—A. Not any special confusion; a few times the managers called the attention of the returning officer to keep down the noise and to not allow too many inside the voting place, and to keep others, who were not there for the purpose of voting, out.

Q. Is it not a fact that others went within the polls during the day for the purpose of voting?—A. There was.

Q. How many voting places in this precinct?—A. One.

Q. Do you know anything about parties other than the registrars registering voters shortly before the last November election?—A. No; I do not.

Q. Do you know of any of the registrars giving out any certificates to parties other than applicants for registration?—A. No.

Q. What is your politics?—A. Democrat.

Q. Are you a partisan Democrat?—A. You will have to explain what you mean by partisan Democrat.

Q. Would you vote for a nominee on the Democratic ticket, right or wrong?—A. No.

Q. Do you believe the Republican Party is ever right in anything?—A. I think the Republican Party is frequently right.

H. C. McPHERSON.

Sworn to and subscribed before me this March 15, 1921.

J. C. NATION, *Commissioner*.

March 16, 1921, this being the day on which the examination of witnesses was continued, ELMER FOWLER, being examined on behalf of contestee, testified as follows:

Q. Your name is Elmer Fowler?—A. Yes.

Q. Where did you reside on the 2d day of November, 1920?—A. Walnut Grove, No. 2, Blount County.

Q. In what precinct did you reside?—A. Burgett's beat, No. 32.

Q. Were you in Oneonta with J. W. Nash just a few days before the November election in 1920?—A. Yes.

Q. Do you remember how many days before the election it was?—A. No.

Q. State whether or not J. W. Nash on that day carried the ballot box for beat No. 32 back with him.—A. Yes, sir.

Q. Are you a Democrat or Republican?—A. Republican.

Q. Did you vote for Mr. Kennamer or Mr. Rainey in November election, 1912?—A. Rainey; Kennamer, I mean.

Q. You voted for Mr. Kennamer, the Republican nominee for Congress from this district, did you?—A. Yes.

Q. On the day that you and J. W. Nash were in Oneonta just prior to said election at the time J. W. Nash carried the ballot box for precinct No. 32 back with him, state whether or not there was a conversation between you and J. W. Nash in regard to the ballots in said box?—A. Yes, sir.

Q. In said conversation what did you say to J. W. Nash in regard to opening the ballot box and seeing if the ballots were short, if anything.

(Objection by contestant.)

A. There was not anything said about them being short. I said to him, "This is my first time to vote," and I had never seen one of the tickets, and in a joking way I said, "Let's open the box and see how they are fixed."

Q. To refresh your recollection, did you not say to J. W. Nash, "Let us open the box and see if there are any tickets in it," or in substance that?—A. I do not think I did.

Q. On that trip, I will ask you if J. W. Nash took any ballot boxes except the one for Burgett's beat; and if so, with whom did he leave it?—A. Yes; I do not remember the man's name.

Q. To refresh your recollection, did he not leave it with Mr. Will Kerr, who lives a short distance this side of Snead, in Campbell's beat?—A. Yes, sir.

Q. Were you with J. W. Nash from the time he received the boxes here at Oneonta until he got to his home?—A. I was.

Q. State whether or not either of said ballot boxes were opened either by you or J. W. Nash before you got home.—A. They were not.

Q. State whether or not you heard or were told by anyone just prior to said election that the ballots would likely be short and to vote early.

(Objection by contestant.)

A. There was not, as I remember.

ELMER FOWLER.

Sworn to and subscribed before me, this March 16, 1921.

J. C. NATION, *Commissioner*.

JASPER WEBB, being examined on behalf of contestee, testifies as follows:

Q. What is your name and where did you live on November 2, 1920?—A. Jasper Webb, Altoona, Ala.; in precinct No. 3 in Blount County, Ala.

Q. On Monday before the election on November 2, 1920, state whether or not anyone came to you and made any suggestions to you about voting early.—A. Yes, sir; there was one man.

Q. Who was he?—A. A Mr. Stracener.

Q. Was Mr. Stracener a Democrat or Republican?—A. He is a Republican.

Q. State what he said to you on Monday before said election.—A. Well, he came to me in the field about 8 o'clock and said it was reported that the ballots would be short and to vote early.

Q. Are you a Democrat or a Republican?—A. I vote a mixed ticket.

Q. Did you vote for Mr. Kennamer or Mr. Rainey in said election?—A. I voted for Mr. Kennamer.

Q. What time of the day did you vote at said election?—A. I voted about 10 o'clock.

Q. State whether or not a majority of Republicans in said precinct voted early in the day at said election.—A. I don't know; I just went and voted and went back home.

On cross-examination by Mr. JAMES B. SLOAN witness testified as follows:

Q. When Mr. Stracener told you that it was reported that the ballots would likely be short, did he tell you who reported it?—A. No, sir.

Q. Did the registrars come to your beat?—A. No, sir.

Q. How far is it to the closest place they did come?—A. About $2\frac{1}{2}$ miles.

Q. Do you know of any parties registering voters in or around your community other than the board of registrars?—A. No, sir.

Q. Have you any information that parties other than registrars were in your community registering voters?—A. No, sir.

Q. Did you hear of anyone being in that community other than the registrars registering the voters?—A. I heard that Dr. Marvin Denton was, and I would like to state that that was just hearsay.

JASPER WEBB.

Sworn to and subscribed before me, this March 16, 1920.

J. C. NATION, *Commissioner*.

WILL KERR, a witness for contestee, testified as follows:

Q. What is your name, and where did you live on the 2d day of November, 1920?—A. Will Kerr, Altoona, No. 3, precinct No. 8, in Blount County, Ala.

Q. State whether or not you were the returning officer of said beat in the election held November 2, 1920.—A. I was.

Q. If prior to said election you had the ballot box for said precinct in your possession, where did you get it?—A. I had it in my possession; Mr. Jesse Nash brought it to my house.

Q. State whether or not Jesse Nash and J. W. Nash is the same person.—A. I knew him as Jesse Nash; I did not know his initials.

Q. Is this the party here?—A. Yes, sir; this is the man that brought me the box.

Q. Who was with him at the time he brought you the box, if anyone?—A. There was a man with him; I did not know his name.

Q. Was the ballot box in your possession from the time it was delivered to you by Jesse Nash until said election?—A. Yes, sir.

Q. State whether or not you opened the said box prior to the election day; and if so, state when.—A. I did; I opened it Saturday night before the election on Tuesday.

Q. Is that the first time that the said ballot box had been opened after it was delivered to you?—A. It was.

Q. How many ballots were there in said box at the time you opened it on that Saturday night?—A. There was 114 of the large tickets for the general election; there were some small tickets for the special election, but I did not count them.

Q. State the circumstances under which you opened said box at that time.—A. The cause of me opening it was to get the poll list to see if the registered voters I knew of were all on the poll list.

Q. How many voters were there polled in that precinct at said election?—A. I do not remember the exact number, but something over 200.

Q. When you found that the ballots were short, what did you do with reference to extra ballots, if anything?—A. I went to Mr. McGlaughns and told him to go to Mr. Ellison to see if he would come to Oneonta and see if he could get any more ballots.

Q. When did you do that?—A. Saturday night, after I opened the box.

Q. Were you at the polls in said precinct during the day of said election?—A. I was.

Q. State whether or not the Republican voters of said precinct rushed to the polls to vote in the early part of the day at said election.—A. They did; the estimate to 12 o'clock was 3 to 1 Republican.

Q. Did you see Verbon Brice at the polls on that day?—A. Yes, sir.

Q. At what time did he come to the polls?—A. He was there by 8 o'clock.

Q. How long did he stay there?—A. He stayed until they counted out.

Q. Is Verbon Brice a Democrat or Republican?—A. A Republican.

Q. State whether or not he is an active Republican in politics.—A. He is.

Q. State whether or not you heard a conversation between Verbon Brice and L. W. Ellison on that day?—A. I did.

Q. State just what was said in said conversation, by each of them.—A. I don't know whether I can state just what was said or not, but Verbon had a tablet and pencil and told Mr. Ellison that when the tickets gave out he wanted

all the names of those who come to vote and could not vote. Mr. Ellison asked him who sent him down there for that purpose. He said a man from Marshall County. Mr. Ellison asked him how a man in Marshall County knowed that the tickets down there would give out; he said he did not know.

Q. State whether or not the Republicans crowded into the polls in the early part of the day at said election?—A. They did.

Q. State whether or not the Democratic voters of said precinct made any unusual rush to vote in the early part of the day at said election?—A. They did not; there were but few of them voted up to 12 o'clock.

On cross-examination by Mr. SLOAN, witness testified as follows:

Q. What time of the night was it when Mr. Jesse Nash brought the ballot box to your house?—A. It was near 8 o'clock.

Q. What date was that?—A. I could not tell you.

Q. About how long was it before the election?—A. It was some time the week before the election; it was Thursday or Friday.

Q. Where was that ballot box placed in your house?—A. It was placed in the room that we stay in, behind the door.

Q. Was it locked?—A. Yes, sir.

Q. Who had the key?—A. The key was tied to the ballot box.

Q. You don't know whether or not of your own knowledge anyone opened that ballot box while at your house other than yourself, did you?—A. No; I do not.

Q. Did you request anyone to go get more ballots when you found they were short?—A. I requested Mr. McGlaughlin to see Mr. Ellison about getting some more ballots.

Q. When was this request made?—A. Saturday night before the election Tuesday.

Q. Did you get any more ballots for that box?—A. Yes, sir.

Q. When did you get them?—A. On Monday night before the election.

Q. Who brought the ballots?—A. Mr. McGlaughlin.

Q. What is Mr. Jesse Nash's politics?—A. He is a Democrat.

Q. What is your politics?—A. I am a Democrat.

Q. Are you a partisan Democrat?—A. I guess you would call me a partisan Democrat.

Q. Do you vote for everybody they put on the ticket?

(Objection by contestant.)

A. No, sir.

Q. How did you arrive at your conclusion, Mr. Kerr, as to the number of Republicans and Democrats who had voted up to noon on election day?—A. I know the politics of the people of that beat and I was handing the tickets to them.

Q. You knew their politics by knowing their affiliations before the election?—A. Yes.

Q. How did you arrive at the way the women would vote?—A. The week before the election it was discussed by everybody how they would vote.

Q. Did you hear any women say how they were going to vote?—A. Yes, sir.

Q. Who were they, Mr. Kerr?—A. Mr. Mitchell's mother and wife; Mrs. Verbon Brice; I heard others but can't name them all now.

Q. When you stated in your direct examination that a majority who voted before noon on election day were Republicans, was that just a mere guess as to how the people would vote?—A. It was an estimate or a guess, just whichever you want to call it.

WILL KERR.

Sworn to and subscribed before me this 16th day of March, 1921.

J. C. NATION, *Commissioner*.

L. W. ELLISON, a witness for contestee, testified as follows:

Q. What is your name and where did you live on the 2d day of November, 1920?—A. L. W. Ellison, Altoona, Ala., No. 3, beat No. 8, Blount County, Ala.

Q. State whether or not you were a manager in the election held on November 2, 1920, in said precinct?—A. I was a clerk, instead of manager, I think.

Q. Is that your recollection?—A. It is.

Q. Were you at the polls in said precinct during the entire day of said election?—A. I was.

Q. State whether or not you had a conversation with Verbon Brice on that day.—A. I did.

Q. State just what was said in said conversation by each of you.—A. I couldn't give it just like it occurred.

Q. Can you give it in substance?—A. I can.

Q. Give said conversation in substance.—A. I said something to Verbon about the ballots being short in our precinct, and he said that he was there to take down the names of all who could not vote after the ballots gave out. I told him that he could go on home; that we had plenty of ballots now. I asked him who informed him that the ballots would be short, and he said there was a man in Marshall County told him, but did not give his name.

Q. At the time of this conversation state whether or not he had a tablet.—A. I understood him to say he had a tablet. I did not see the tablet.

Q. State whether or not the Republicans crowded into the polls in the early part of the day to vote at said election.—A. They did.

Q. State whether or not a majority of Republicans in said precinct voted before noon on the day of said election.—A. I think a considerable majority of them voted before noon.

Q. State whether or not the Democratic voters of said precinct made any unusual rush to vote in the early part of the day at said election.—A. They did not.

Q. State whether or not Verbon was an active Republican in said election prior to that day.—A. He was.

Q. Was the election held fair in said precinct; did everyone get to vote who wanted to and vote their sentiment?—A. The election was fair, so far as the election officers were concerned; there was one woman who did not get to vote on account of the ballot she was going to vote, but was not the fault of the managers of the election.

Q. Who was the cause of her not voting?—A. Mr. Tom Spradling.

Q. What did he do or say that prevented her from voting?—A. He claimed that she had not been living in the county long enough.

On cross-examination by Mr. SLOAN, witness testified as follows:

Q. Did the registrars visit your precinct?—A. Yes, sir.

Q. Did they advertise that fact?—A. I don't remember.

Q. When did you get notice that the registrars were to register voters there?—A. I did not get any notice.

Q. You live close to Snead, do you not?—A. I do.

Q. Do you go to Snead often?—A. I do.

Q. Did you see any notice stuck up at Snead announcing the day that the registrars would register voters there?—A. I don't remember seeing any.

Q. Did the voters of that community have trouble in getting registered?—A. Not that I know of.

Q. Any of your women folks register?—A. My wife registered, but not that day.

Q. I believe you stated that you had no notice of the registration on that day?—A. No.

Q. Where did your wife register?—A. At Oneonta.

Q. You have an automobile?—A. I have.

Q. How far is it from here to Snead, precinct No. 8?—A. About 16 miles.

Q. Do you know of any parties up there that did not get registered before the November election?—A. I don't know of any.

Q. Have you had any information of any?—A. No, sir; I have not.

Q. Will you name the managers, clerks, and returning officers and their politics, of said precinct at last election?—A. Mr. Floyd Pearman, Joe Nichols, Democratic managers; Mr. Scruggs, Republican clerk. Mr. Hathorn was Republican manager and I was the Democratic clerk. Will Kerr was returning officer and a Democrat.

Q. You stated that the election was held fair except one woman who was not allowed to vote; explain the unfairness.—A. I know she came and offered to vote and Mr. Tom Spradling claimed she had not been in the county long enough, and after she went home it was explained to the satisfaction of the managers that she was a legal voter, and Mr. Barnett Pearman went to tell her, and he came back and said that Mr. Spradling said that if she voted a Democratic ticket she would have to leave his place.

Q. You don't know what Mr. Spradling said with your own knowledge?—A. I do not.

Q. Did this woman present herself to vote?—A. She did.

Q. Was a ticket given her by the managers?—A. I am not sure, but I think it was.

Q. Was her vote challenged?—A. I suppose that would be challenging her vote.

Q. Did she offer to take the oath and vote?—A. Don't think she did.

Q. What is your politics?—A. I am a Democrat.

Q. Are you a partisan Democrat?—A. Explain to me what you mean by partisan Democrat.

Q. I understand a partisan Democrat to be a Democrat who will follow blindly the Democratic ticket and vote it regardless of who is on it.—A. I would not do that.

On redirect witness testified as follows:

Q. Mr. Ellison, what political party does Mr. Spradling you spoke of belong to?—A. My understanding is he is a Republican.

Q. Did this woman who wanted to vote and did not vote live on Mr. Spradling's place?—A. I am told that she lives in the house with him.

(Objection by contestant.)

L. W. ELLISON.

Sworn to and subscribed before me this 16th day of March, 1921.

J. C. NATION, *Commissioner*.

J. W. NASH, being examined on behalf of the contestee, testified as follows:

Q. What is your name, and where did you reside on the 2d day of November, 1920?—A. J. W. Nash, Walnut Grove No. 2, beat No. 32, Blount County, Ala.

Q. Are you also known as Jesse Nash?—A. Yes, sir.

Q. Is beat 32 Burgetts beat?—A. Yes, sir.

Q. State whether or not you were returning officer for beat 32, Blount County, Ala., in the November election, 1920.—A. I was.

Q. State whether or not you carried the ballot boxes from the sheriff's office to beats Nos. 8 and 32, for said election.—A. I did.

Q. Who delivered the boxes to you?—A. Mr. C. S. Nation.

Q. At what place?—A. Here in the sheriff's office.

Q. Is C. S. Nation sheriff of this county and was he at that time?—A. Yes.

Q. Who was with you when said boxes were delivered to you?—A. Mr. Elmer Fowler.

Q. What did you then do with said box for precinct No. 8?—A. I carried it to Mr. Will Kerr.

Q. State whether or not that box was opened after it was delivered to you before you delivered it to Mr. Kerr.—A. It was not.

Q. What did you do with the box for precinct No. 32?—A. I took it to my home.

Q. Was that box opened before it was taken to your home?—A. No, sir.

Q. Did you open said box before you carried it to the polls on the day of the election?—A. I did.

Q. When?—A. I opened it on Sunday night before the election on Tuesday.

Q. Had you had that box in your possession until that time?—A. Yes, sir.

Q. State whether or not said box had been opened after you left the sheriff's office with it until that Sunday night.—A. No, sir.

Q. When you opened said box on that Sunday night how many ballots were in it for said general election?—A. There were 91.

Q. How came you to open the box?

(Objection by contestant.)

A. I was at Sneed on Sunday evening and I heard them talking that the tickets was short and I got back home and looked to see if we had enough tickets.

Q. About how many voters were there in Burgetts beat at said election?—A. My best recollection there were about 180.

Q. When you found that the ballots were short in the box for that precinct, what did you do, if anything?—A. On Monday morning I came back to Oneonta and told the sheriff that I did not have enough tickets to hold the election, and then he gave me enough tickets to hold the election.

Q. What did you do with the tickets he gave you?—A. I took them back home and put them in the ballot box.

Q. As you were going back with the extra tickets state whether or not any one questioned you or asked you about them, and if so, who.—A. When I got back to Snead Mr. Bob Long asked me if that was tickets I had in my hand, and asked me if I had been to Oneonta and got them and I had wrapped them up in a piece of paper that came from Mr. Rogers's store. I showed him the piece of paper with Mr. Rogers's name on it and he said you have been buying you some goods, and I asked him why he asked me such a question as that, and he said that they were telling him that the tickets was short; and I went on, and Mr. Osborn asked me what it was I had in my hand and I told him it was paper; he said, haven't you been to Oneonta and got some more tickets; and I said, Mr. Osborn, I want to ask you a question. Will you answer it? He said I will if I can. I said, what have you asked me any such a question? He said, they have been telling me that the tickets are short.

Q. Was this Mr. Osborn George Osborn?—A. Yes, sir.

Q. Are George Osborn and Bob Long Republicans or Democrats?—A. Republicans.

Q. What did you do with the ballots and also the extra ballots which you had?—A. I carried them to the polls.

Q. Were you present at the polls in said precinct during the entire day of said election?—A. I was.

Q. State whether or not the Republicans of that precinct made an unusual rush to vote in the early part of the day at said election.—A. They did.

Q. State whether or not the Democrats in that precinct made any unusual rush about voting in the early part of the day at said election.—A. They didn't.

Q. Do you know Dock Owen, his wife, his mother, and Alice Owen?—A. I do.

Q. Where did they live on the date of said election?—A. They lived in Marshall County.

Q. How long had they lived in Marshall County just prior to said election?—A. I just don't know.

Q. State whether or not they had moved to Marshall County prior to said election.—A. Yes; they had moved into Marshall County.

Q. Do you know whether or not Dock Owen, his wife, mother, and Alice Owen lived in Marshall County and made a crop there during the year 1920?—A. Yes, sir; they did.

Q. Do you know whether or not these four persons presented themselves at the polls to vote in precinct No. 32 at said election?—A. They did.

Q. State whether or not their votes were challenged.—A. They were.

Q. State whether or not they refused to make the challenged oath.

(Objection by contestant.)

A. They refused.

Q. State whether or not their votes were challenged.—A. They were.

Cross-examination by Mr. J. T. JOHNSON: witness testified as follows:

Q. How many votes did Mr. Rainey receive at that election in your precinct?—A. My recollection is that he got about 39 votes.

Q. About how many did Mr. Kennamer receive?—A. About 140.

Q. You know Jess Holland and his wife, do you?—A. Yes, sir.

Q. They both presented themselves there and asked to be allowed to vote?—A. Yes, sir.

Q. Their votes were challenged, were they?—A. Yes, sir.

Q. By whom?—A. B. D. Nash.

Q. Then Mrs. Holland and her husband asked for a challenge vote, did they not?—A. My best recollection Mrs. Holland did not.

Q. Now, how about Mr. Holland?—A. He would not sign the challenge oath.

Q. I will ask you if you did not have a conversation with Mrs. Holland out in the yard at the place of voting?—A. No, sir; I did not.

Q. You did not have any conversation with her on that day at all?—A. No, sir.

Q. Did you make any statement to her in the presence of other persons about her vote that day?—A. No, sir; I did not.

Q. I will ask you if you did not tell her that if she went back in the place where they were voting you would have to arrest her?—A. No, sir; I did not.

Q. I will ask you if you told Jess Holland that if his wife went back in where they were voting that you would have to arrest her?—A. No, sir; I did not.

Q. Or that in substance?—A. No, sir.

Q. Do you know whether Dock Owen's mother and wife received ballots at that election, marked them, and turned them over to the managers, and the managers or clerks tore the ballots up?—A. I never saw them receive any ballots.

Q. Who were the managers at the election and politics of each, respectively?—A. B. D. Nash, W. E. Ashworth, Democrat managers. I do not know what Ashworth's politics is, but B. D. Nash is a Democrat. B. Q. Malone was the Republican manager.

Q. Who were the clerks and what is their politics, respectively?—A. J. A. Pruitt, Republican clerk; O. C. Nash was Democrat clerk.

Q. What is your politics?—A. I am a Democrat.

Q. When and where did your wife register?—A. I don't know.

Q. I will ask you if you did not tell Elmer Fowler that Dr. Marvin Denton registered your wife at home?—A. I don't remember telling him that.

Q. Did you tell him that in substance?—A. No, sir.

Q. What did you tell him about your wife registering?—A. I did not tell him anything about my wife registering.

Q. Did she appear before the registrars the day they were at Snead?—A. I was not at home that day, but I don't suppose that she did.

Q. Do you know whether she ever appeared before the registrars and registered or not?—A. I could not swear that she did or that she didn't.

Q. You have always voted the Democrat ticket all your life?—A. Yes.

Redirect examination by Mr. NASH, witness testified as follows:

Q. Where did Jess Holland and his wife live at the time of said election?—A. At Altoona, in Etowah County.

Q. How long had they lived at Altoona just prior to said election?—A. I just don't know.

Q. Do you remember about the date they moved away from Burgett's beat?—A. No, sir; I don't.

Q. What is your recollection about the time they had moved away from Burgett's beat?—A. My best recollection they had been away about one year.

On recross-examination by Mr. JOUNSON, witness testified as follows:

Q. How many Democrats came to the polls before 12 o'clock on the day of the election?—A. About 12 or 15.

Q. How many Republicans came before noon?—A. My recollection they were all there by that time.

J. W. NASH.

Sworn to and subscribed before me this March 16, 1921.

J. C. NATION, *Commissioner*.

B. D. NASH, being examined on behalf of contestee, testified as follows:

Q. What is your name, and where did you live on the 3d day of November, 1920?—A. B. D. Nash, Walnut Grove No. 2, Burgetts beat, Blount County, Ala.

Q. State whether or not you were a manager in precinct No. 32 at the election held November 2, 1920.—A. I was.

Q. Were you at the polls in that precinct during the entire day at said election?—A. I was.

Q. State whether or not the Republicans of that precinct made an unusual rush to vote in the early part of the day of said election.—A. They did.

Q. About what per cent of the Republicans of that precinct voted before noon at said election?—A. Practically all of them.

Q. State whether or not the Democrats of said precinct made any unusual rush to vote in the early part of the day of said election.—A. They did not.

Q. About what per cent of the Democratic voters of said precinct voted in the forenoon at said election?—A. I suspect about 35 per cent of the Democrats voted before noon.

Q. What was the condition of the weather in the forenoon of that day?—A. It was raining.

Q. Do you know Jess Holland and his wife?—A. I do.

Q. Where did they live at the time of said election?—A. Altoona, Etowah County.

Q. How long had they lived at Altoona just prior to said election?—A. Right around 12 months; it might have lacked 10 or 12 days being 12 months or it might have been 10 or 12 days more than a year.

Q. State whether or not they moved from that precinct to Altoona; and if so, did Mr. Holland sell out before he moved to Altoona?—A. They did; Mr. Holland sold out in the summer and began moving in the early fall.

Q. Did Mr. Jess Holland and his wife present themselves to vote at said election in said precinct?—A. They did.

Q. State whether or not their votes were challenged; and if so, by whom.—A. I challenged their votes.

Q. State whether or not they voted at said election.—A. They did not.

Q. State whether or not they refused to sign the challenged oath.—A. They did.

Q. State what Mrs. Jess Holland said about signing the challenged oath, if anything.—A. She said she would have to sign a lie to sign it, and she would not do it.

Q. What did Jess Holland say about signing the challenged oath, if anything?—A. He said he would sign the oath if we would change that part of the oath that said he must reside in the precinct three months prior to the election and insert that he had lived in Altoona, in Etowah County, three months prior to the election and that he also resided in Etowah County.

Q. What, if anything, did B. Q. Malone, the Republican manager, tell them about signing the challenged oath before they could vote?—A. He told them they would have to sign the challenged oath before they could vote.

Q. Was a challenged oath presented to each of them?—A. There was.

Q. Do you know Dock Owen, his wife, mother, and Alice Owen; and if so, where did they reside at the time of said election?—A. I know them; they reside in Marshall County.

Q. How long had they resided in Marshall County just prior to said election?—A. Something like 12 months.

Q. State whether or not their home was in Marshall County during that time.—A. It was.

Q. Did each of these parties present themselves at the polls to vote at said election?—A. They did.

Q. State whether or not their votes were challenged; if so, by whom?—A. I challenged them.

Q. State whether or not they were each presented with a challenged oath.—A. They were.

Q. State whether or not each of them refused to make the challenged oath.—A. They did.

Q. What, if anything, did B. Q. Malone, the Republican manager, tell them about signing the challenged oath before they could vote?—A. He told them they would have to sign a challenged oath before they could vote.

On cross-examination by Mr. SLOAN the witness testified as follows:

Q. How many Democrats voted before noon?—A. Possibly 10 or 12.

Q. How many Republicans voted before noon?—A. My best judgment, about 110 or 115.

Q. Did Dock Owen's wife and mother mark tickets and present them to the managers?—A. Not as I know of.

Q. Mr. Jess Holland and his wife; Dock Owen, his wife and mother, all presented themselves there that day to vote, did they not?—A. They did.

Q. Do you know where these voters' voting place was at that time?—A. I don't know enough about it to swear where it was.

Q. Did you know that their voting place was not in Burgett's precinct?—A. I knew that they did not reside in Burgett's precinct.

Q. Did your wife register before last election?—A. Of my personal knowledge, I don't know; I was away from home on the day they registered in our precinct.

Q. Did she vote at the last election?—A. Yes.

Q. Do you know when and how Mr. Lester Nash and J. W. Nash's wife registered?—A. I do not.

Q. What is your politics?—A. I am a Democrat.

Q. What was the politics of these voters you have been testifying about and were not allowed to vote?—A. Republican, I think.

Q. Are you a partisan Democrat?—A. According to your explanation, I am not.

Q. Do you always vote the Democratic ticket?—A. I have never voted anything else.

B. D. NASH.

Sworn to and subscribed before me this March 16, 1921.

J. C. NATION, *Commissioner*.

This being the day to which the taking of testimony by contestee was continued, W. M. HAGOOD, being examined on behalf of contestee, testified as follows :

Q. What is your name, and where did you reside on the 2d day of November, 1920?—A. My name is W. M. Hagood, and I resided in Oneonta precinct, No. 36, Blount County, Ala.

Q. State whether or not you were a manager of the election for precinct No. 36, Blount County, Ala., at the election on November 2, 1920.—A. I was.

Q. State whether or not you were at said polls during the entire day of said election.—A. I was.

Q. State whether or not the Republicans of said precinct made an unusual rush to vote early in the day at said election.—A. Most all of them voted before 12 o'clock.

Q. State whether or not the Democrats of said precinct made any unusual rush to vote in the early part of the day at said election.—A. Not that I noticed.

Q. State whether or not there was a rush and a commotion around the polls at said election during the early part of the day.—A. The polls were crowded from the opening up to 11.30 o'clock.

Q. State whether or not a majority of the persons crowded around the polls were Democrats or Republicans?—A. A majority of them in the morning were Republicans.

Q. State whether or not the Republicans, or a part of them, were actively engaged around the polls during the morning of said day talking with the different voters as they came in to vote.—A. Several members of that party were very active all day.

Q. Give the names of those Republicans who were very active around the polls all day, or a greater part of said day.—A. W. G. Engle, J. T. Johnson, Mrs. Amos Gibbs.

Q. To refresh your recollection, I will ask you if D. E. Moody, J. E. Green, Mrs. J. E. Green, Mrs. J. T. Johnson, and W. T. Buckner are not Republicans, and were active around the polls at said time?—A. Some of them spent a considerable part of the day at the polls; some of them, as I remember, did not spend much time there.

Q. Were you present during the time of the count out of the votes, and at the time said count out was finished?—A. I was.

Q. State whether or not there was a discrepancy between the tally sheet of the clerks and the votes cast in said precinct.—A. Not to my knowledge.

Q. Was anything said by any one about there being a discrepancy between said tally sheets and the vote cast on the night the count out was made?—A. Not in my hearing.

Q. State when you first heard that it was intimated that there was a discrepancy.—A. About two weeks ago.

Q. State whether or not there was any fraud practiced in or about the polls in said precinct on the day of the election by any Democrat official of said election, or by any other Democrat, so far as you know.—A. Not to my knowledge.

On cross-examination by Mr. SLOAN, witness testified as follows :

Q. Name the election officials of Oneonta precinct and their respective policies who served at last election.—A. J. C. Nation, W. M. Hagood, Democratic managers; J. W. Hughes, Republican manager; L. H. Brown, Republican clerk; H. C. McPherson, Democratic clerk; John Moore, Democrat returning officer.

Q. State the work that each manager did during the day of election.—A. J. W. Hughes put his initials on the blank ballots, J. C. Nation handed out the ballots, and W. M. Hagood received the ballots, called the name of the voter to the clerks, and deposited the ballot in the box; up in the day J. C. Nation and J. W. Hughes exchanged places.

Q. How many were within the polls at any one time during the day.—A. The managers designated inside the rail as the polls; there were five or six at one time, to the best of my knowledge.

Q. Were there any Democrats active around the polls that day?—A. Not to my knowledge.

Q. Do you remember Dr. N. C. Denton within the polls, talking to Mrs. Treece when she went in to vote some 15 or 20 minutes?—A. No, sir; I do not.

Q. Do you remember about seeing Alfred Bains working with voters around the polls that day?—A. I saw him in the courthouse.

Q. Do you remember him coming to the managers and getting tickets for voters?—A. No, sir.

Q. If he had any blank tickets, he got them some place other than from the managers, did he not?—A. If he had any I would say he got them from the managers.

Q. You know that he did not get any blank tickets anywhere else?—A. No, sir; I do not.

Q. How many feet is it from the courthouse rail, you designated as the polls, to the wall opposite the voting place?—A. It is about 20 to 22 feet.

Q. What is the width of it the long way?—A. About 46 feet.

Q. Just on the outside of the rail and within the building, and within 30 feet of the polling place, how many people were there at any one time during the election day?—A. All during the forenoon there was one continuous line.

Q. That line extended right up to the voting box, did it not?—A. No, sir; it was cut off at the opening in the rail.

Q. How far is that opening from the voting box?—A. About 12 to 15 feet.

Q. Isn't it a fact that a majority of the ladies voted before noon?—A. No, sir; a majority of the Democratic ladies voted after noon.

Q. How many votes were cast at the Oneonta box?—A. Six hundred and eighty-eight.

Q. Were there any rioting or any unusual disorder around the polls during the day?—A. Nothing more than is usual in elections where interest is keen, except that it being the first time women were allowed to vote, and some of them seemed to be more or less excited over being allowed to vote.

Q. Did you compare the clerk's poll list and the number of votes cast when you finished counting on the night of said election?—A. I don't remember that I did.

Q. Who told you that there was a discrepancy in the number of votes cast and the number counted?—A. No one has told me that there was; Judge Aldredge told me it was claimed there was a discrepancy, but did not say who claimed the discrepancy.

Q. Have you compared the clerk's poll list with the number of votes cast in this precinct since the election?—A. I have not.

Q. Did Clarence Moore and his wife vote at this box in said election?—A. Clarence Moore did; I don't remember whether his wife did or not.

Q. Did Clarence Moore reside in Oneonta at that time?—A. He did not, but has always claimed this his legal voting place; pays his poll tax here and has never voted anywhere else for a number of years.

Q. Where did he reside at that time?—A. In Jefferson County.

Q. How long had he resided out of Blount County?—A. He spent the greater part of last summer in Blount County during vacation; his household goods are in Blount County, and was in November of last year.

Q. At what place was his household goods in Blount County?—A. At his father's at Clarence in beat No. 22.

Q. How long has it been since he resided in Oneonta?—A. Something over two years.

Q. Did Mr. Lock, the Baptist preacher, vote here at the last election?—A. He did.

Q. Where did he reside at that time?—A. In Jefferson County.

Q. Did Mr. Mullins, the former section foreman, vote here at the last election?—A. I don't know that he did.

Q. Do you know who made out the regular registration advertisement just before the last election?—A. I do not.

Q. Do you know of any parties being registered just previous to last election by parties other than by the registrars of Blount County?—A. I helped at the courthouse.

Q. Did you register any voters when the registrars were not present in the room?—A. I did not.

Q. Did you register any voters when there was less than two of the registrars in the room?—A. Not to my knowledge.

Q. Do you know of anybody else that did?—A. No, sir.

Q. Do you know of any registration certificates being given out to parties for the purpose of registering the voters?—A. I do not.

Q. What is your politics?—A. Democrat.

Q. Are you a partisan Democrat?—A. I try to be temperate in all things.

Q. What you consider temperate in politics is voting for every Democratic measure or for every Democratic nominee on the ticket, is it not?—A. According to my way of thinking they are usually the best; I always vote the ticket.

Redirect by Mr. NASH, witness testified as follows:

Q. State whether or not Clarence Moore is a school-teacher and moves from place to place, but claims Oneonta as his home?—A. He is; and claims Oneonta as his home.

Q. State where Clarence Moore's last permanent home was.—A. Oneonta, Ala., beat No. 36.

Q. How long had he resided in Oneonta and made this his permanent home prior to his temporary absence from this county?—A. About five years to my certain knowledge.

Q. State whether or not he has regularly voted at this precinct during the last five years.—A. He has.

Q. State whether or not that Mr. Locke, the Baptist preacher, lived and resided in Oneonta precinct prior to the November election in 1920; and if so, when and how long?—A. He had lived here; moved to Jefferson County just before the election; he had lived here something like two years.

Q. Do you know whether or not he was through moving at the time of said election?—A. I do not.

On recross-examination by Mr. SLOAN, witness testified as follows:

Q. When did Clarence Moore sell his home in Oneonta?—A. Something over two years ago.

Q. Has he owned any property in Oneonta since that time?—A. Not to my knowledge.

Q. You know that the Baptist preacher Locke did not live here at the last November election, do you not?—A. I know that he had been gone several days, but whether he had entirely moved I do not know.

W. M. HAGOOD.

Sworn to and subscribed before me this March 17, 1920.

J. C. NATION, *Commissioner*.

JOHN MOORE, being examined on behalf of the contestee, testifies as follows:

Q. What is your name, and where did you reside on November 2, 1920?—A. My name is John Moore, and I reside in Oneonta, Ala.

Q. What office did you hold, if any, on November 2, 1920?—A. Deputy sheriff, Blount County, Ala.

Q. State what office you held in the November election in November, 1920, in the Oneonta precinct, if any.—A. Returning officer.

Q. Were you present at the polls during the entire day of said election?—A. I was.

Q. State whether or not the Republicans of said precinct made an unusual rush to vote in the early part of the day at said election.—A. They did.

Q. About what per cent or proportion of Republicans of said precinct voted before noon at said election.—A. My guess would be about 70 per cent.

Q. State whether or not the Democratic voters of said precinct made any unusual rush to vote early in the day at said election.—A. Not so much so as the Republicans.

Q. State whether or not there was a rush and a commotion around the polls to vote in the early part of the day at said election.—A. There was a right smart rush.

Q. State whether or not the greater part of said voters in said rush were Democrats or Republicans.—A. My judgment, the majority were Republicans.

Q. In your judgment, what were the greatest number of voters permitted within the polls at any one time during the day of said election?—A. Five or six at one time sometimes.

Q. The greater part of the time how many were there?—A. Something like four or five most all the time.

Q. State whether or not there were Republicans around the polls actively engaged in talking to the different voters as they would come to the polls to vote during the day of said election.—A. There was some.

Q. Give the names of those you remember.—A. Mr. W. G. Engle, J. E. Green, D. E. Moody, Mrs. Amos Gibbs, Mrs. R. W. Buckner, and some few others whose names I can not now recall.

Q. How long had you been deputy sheriff prior to said election?—A. Nearly two years.

Q. Where do you work as deputy sheriff?—A. At the sheriff's office.

Q. Who was the sheriff during that time?—A. C. S. Nation.

Q. Was there any other deputy sheriffs, clerks, or persons who worked in the sheriff's office except yourself and Sheriff Nation prior to said election?—A. There was not.

Q. How many keys did you and the sheriff have to the lock of the sheriff's office prior to the election?—A. The ex-sheriff turned over one key and we had one other made.

Q. Who was the ex-sheriff?—A. R. W. Buckner.

Q. Was he a Democrat or a Republican?—A. Republican.

Q. Prior to said election state who carried the keys to the sheriff's office which had come to the hands of Sheriff Nation?—A. The sheriff carried one and I carried one.

Q. Prior to said election when there was no one in the sheriff's office what condition would it be left as to being locked or not?—A. We never left the courthouse without locking it.

Q. Were there windows to the sheriff's office, and if so in what condition were they left when you were out of the office and at nights?—A. There is windows to the office; they were always fastened on the inside.

Q. Do you remember of some of the ballot boxes for said election being prepared to be sent out to the different polling places of the county and left in the sheriff's office just a few days prior to the election?—A. I do.

Q. During the time that these particular boxes were in the sheriff's office before being sent out, state whether or not that the door was left unlocked or the windows of said office left unfastened during the nights and the time that you and the sheriff were away from the courthouse?—A. They were not.

Q. During that time state whether or not you or anyone in your presence or with your knowledge took a part of the ballots out of said boxes or any of them.—A. No.

On cross-examination by Mr. SLOAN the witness testified as follows:

Q. Did you take office as deputy sheriff at the time the sheriff was sworn in?—A. I did.

Q. What particular place were you when Sheriff Buckner turned over the keys which you mentioned in your direct examination?—A. My recollection is that we were in the sheriff's office.

Q. Did you see him turn the key over?—A. I am not positive whether I did or not.

Q. Then your statement that he only turned over one key is not positive, is it?—A. Not for certain more than what Sheriff Nation told me.

Q. Did you or the sheriff ask him at that time if that was all the keys there was?—A. Not that I remember of.

Q. Did you see any sign at any time of the sheriff's office being broken into?—A. Did not.

Q. Did you count any of the ballots deposited in the ballot boxes?—A. I don't think I did.

Q. How many general elections have you attended in the Oneonta precinct No. 36 before the last November election?—A. I think that was the only general election.

Q. When you stated that there was an unusual rush in the forenoon in the last election you really did not know whether that was unusual in his precinct or not, did you?—A. I did.

Q. How many votes were cast at this box?—A. I don't remember.

Q. Were there any Democrats active around the polls at said election?—A. There was some.

Q. Who were they?—A. A. L. Bains, Mrs. A. L. Bains, and soe others during the day that I do not remember now.

Q. How many were there within 30 feet of where the ballots were being deposited at any one time during the day of said election?—A. I guess there were as many as 50.

Q. What is the politics of Clarence Moore?—A. I don't know.

Q. What is the politics of Baptist Preacher Locke?—A. Democrat.

Q. Did you know Miss McNeal, the milliner at Bynums Bros. store?—A. I did not.

Q. What is your politics?—A. Democrat.

Q. Are you a partisan Democrat?—A. I suppose I am if I know what that is.

On redirect examination by Mr. NASH, the witness testified as follows:

Q. When you state that you supposed that you are a partisan Democrat, what do you mean by partisan Democrat?—A. I mean that I never voted anything but a Democrat ticket.

Q. You did not mean that you would do any thing right or wrong for the sake of politics, did you?—A. I did not.

JOHN MOORE.

Sworn to and subscribed before me this March 17, 1921.

J. C. NATION, *Commissioner*.

On examination of E. G. ALLDREDGE on behalf of the contestee, he testified as follows:

Q. What is your name and where did you reside on the 2nd day of November, 1920?—A. My name is E. G. Alldredge, and I resided in Oneonta, Ala., in precinct No. 36.

Q. What office did you hold, if any, in Blount County on November 2, 1920?—A. Probate judge.

Q. How long had you been probate judge prior to that time?—A. About three years and nine months.

Q. Who prepared and made up the lists of the officials for the different precincts in Blount County for the general election held November 2, 1920?—A. The sheriff, the clerk, and myself.

Q. State in detail the way in which you selected the officials for the different precincts of the county for said election?—A. We were furnished a list by the chairman of the Republican Party to select one manager and one clerk from for each precinct; we did not have a complete list furnished us by the Democrats, but had a list from some of the precincts; in the other precincts we supplied them ourselves. As to the returning officers under the law of this State, the clerk nor the probate judge has nothing to do with, the sheriff does this.

Q. State whether or not there was a clerk and a manager for each precinct in the county selected by you, the clerk and the sheriff from the list furnished you by the chairman of the Republican Party of Blount County?—A. There was with the exception of one or two precincts, as I remember Blount Springs precinct and Bangor precinct they did not furnish a full list and I spoke to them about it and they said if they had the Republicans there they did not know it.

Q. Do you know John Sivley, of Blountsville, who testified on the 15th instant, and who was clerk in Blountsville precinct No. 5 of said election?—A. I do.

Q. State whether or not his name was furnished to you for appointment by the chairman of the Republican Party of Blount County?—A. It was.

Q. Approximately how many voters had Blount County polled in its general election prior to the general election on November 2, 1920?—A. From 2,600 to 2,700, possibly has gone as high as 2,800.

Q. Whose duty was it to have prepared the ballots for the election held on November 2, 1920?—A. It was my duty as probate judge.

Q. State whether or not prior to said election you had ballots prepared for said election, and if so, how many?—A. I did. I bought about 30 days prior to the election 7,000 ballots, after the law was passed for the women to register and vote I placed another order for 3,000, and on Sunday evening before the election on Tuesday I sent a man to Birmingham in a car to have 5,000 more ballots printed and bring them back to Oneonta with him.

Q. Before you sent for the last 5,000 ballots had you already secured the 10,000 previously ordered?—A. Yes; I had received both orders. The sheriff and myself and John Moore, the deputy sheriff, placed a sufficient amount of ballots in the different ballot boxes and prepared them to go out to the different polling places. I do not know the exact number of ballots I received, as I did not count them all. The sheriff and myself counted some 8 or 10 blocks of the tickets to see how they were running. We placed in the boxes enough tickets for the men voters to vote and placed that many more for the women, and then the blocks had more than a hundred tickets each, and we placed one block

extra in each box, with the exception of a few small precincts; in these small precincts we put in a half block extra.

Q. Approximately how many ballots did you place in the box for Campbells precinct No. 8?—A. Above 300.

Q. How many in Burgetts precinct No. 32?—A. Above 300.

Q. How many were in the box in Rays precinct?—A. My recollection above 300.

Q. How many in the box for Brooksville precinct?—A. More than 300.

Q. How many did you put in the box for Whites precinct?—A. More than 400.

Q. After you prepared these different boxes to be sent out to the different precincts where were they placed?—A. Locks were placed on them and keys hanging to the locks.

Q. Where were said boxes left?—A. They were left in the sheriff's office.

Q. At this particular time were the ballots placed in the boxes for each precinct in said county?—A. All except some four or five boxes. The second order for tickets had not arrived at that time, and as soon as we received the other tickets we finished filling the boxes.

Q. State whether or not that the women were legal voters, with full franchise at any general election in this county prior to the general election November 2, 1920.—A. They were not.

Q. State whether or not they were at said election where they had been regularly registered.—A. They were.

Q. About how long was it prior to said election when the women were granted full franchise to vote?—A. I do not remember the date the law was passed by the legislature; as I remember, it was the 1st day of October, 1920.

Q. What is your recollection as to the length of time the registrars had prior to said election to register the women of Blount County preparatory for said election?—A. As I remember, when I received the letter from the governor the evening of October 9, 1920—this was on Saturday—giving the names of the registrars who had just been appointed, I called John South, one of the men appointed, over the telephone and asked him to be in Oneonta early Monday morning and qualify as registrar. I had no telephone connecting with Tracy Brown, and I got in my car and drove over on Sunday and notified him of his appointment and asked him to be in Oneonta early Monday morning to qualify. J. H. Ketchum, the other man appointed, lives here in Oneonta, and I asked him also to be present Monday morning.

Q. On what day did said registrars qualify?—A. On Monday morning, October 11, 1920.

Q. State whether or not the said registrars sat at different places in the county during the time immediately after their qualification as registrars and prior to said election.—A. They did.

Q. Have you a copy of the notice of their different places of sitting, the dates of said sittings, and the respective times at the different places?—A. I have.

Q. Is this notice, designated as Contestee's Exhibit A, a copy of said notice?—A. It is.

(Contestee offers said registration notice as identified and designated as "Contestee's Exhibit A.")

Q. Do you know where these different places are at which said registrars had a sitting as designated by said registration notice?—A. I do.

Q. Have you a diagram, survey, or a map of Blount County showing the boundaries of said county on November 2, 1920.—A. I have.

Q. Does this soil survey designated as "Contestee's Exhibit B" represent Blount County as its boundaries were on November 2, 1920?—A. It does.

Q. I will ask you to designate on said survey the different places at which the said registrars held a sitting for the purpose of registering the voters of Blount County as designated in contestee's Exhibit A.

Q. Does this said survey now show the different places the said registrar held a sitting, as designated by said Exhibit A?—A. It does.

(Contestee here offers soil survey of Blount County, Ala., as identified and designated as "Contestee's Exhibit B.")

Q. State whether or not this soil survey map correctly shows, or practically so, the general directions and the particular place where the Louisville & Nashville Railroad track crosses Blount County.—A. So far as I am able to ascertain, it does.

Q. Considering the lay of the county, the population, and the ways of travel, state whether or not the places, as designated on said soil map at which places the said registrars held sittings as designated by the registration notice Ex-

hibit A of contestee, were the most practicable places to hold said sittings for the accommodation for the greatest number of people in Blount County, in your judgment.

(Objection by contestee.)

A. It is.

Q. When were the notices, of which contestee's Exhibit A is a copy, sent out to the different places as designated in said notices?—A. Immediately after the qualification of the registrars, they made out a list of the different places of sitting; I gave it to the printer and asked him to print them as early as possible, and immediately they were printed there was some three or four automobiles left with the notices to advertise the different sittings.

Q. State whether or not the said registration notice was printed in a newspaper with a general circulation in Blount County and, if so, when.—A. It was; and the same week.

Q. Give the name of the paper, and state whether or not it came out in the first issue of said paper after the qualification of the said registrars.—A. It did; and was in the Southern Democrat.

Q. Is said paper a daily or a weekly paper?—A. It is a weekly and the only paper published in the county at that time.

Q. Do you know where Locust Fork and the courthouse are as are designated on contestee's Exhibit A?—A. I do.

Q. State how far it is from said courthouse to Locust Fork by the way that is usually traveled.—A. It is 14 or 15 miles.

Q. State whether or not that Cleveland, Blount County, Ala., is on the way that is generally traveled going from Locust Fork to said courthouse in Oneonta.—A. It is.

Q. State whether or not you were at Locust Fork at the time said registrars adjourned their meeting there.—A. I was.

Q. Where did said registrars go from Locust Fork?—A. To Cleveland.

Q. State whether or not you went with said registrars from Locust Fork to Cleveland.—A. I did.

Q. State whether or not the said registrars, on arriving at Cleveland, made it known publicly that they would have a sitting of said registrars at Cleveland on that night.—A. I heard it said before I left Locust Fork that they were going to be at Cleveland that night for the purpose of registering the women, and we arrived at Cleveland between sundown and dark, and it was general talk at Cleveland; I stayed at Cleveland some 20 minutes and there was a dozen or more people there and talking about it.

Q. Was the talk publicly?—A. It was.

Q. How many voting places were there in Blountsville, Whites, Hardwicks, and Oneonta precincts, respectively, at said election on November 2, 1920?—A. One voting place in each precinct.

Q. State whether or not there were over 300 qualified electors in either of said precincts prior to said election.—A. There was not.

Q. Whose duty is it to establish the polling places in the different precincts in said county?—A. The commissioners court.

Q. How long does it take the commissioners court to establish a new voting place in a precinct?—A. The law requires it be advertised 90 days before a new precinct is established, and shall not be established within 60 days before a general election.

Q. Was that true just prior to November 2, 1920?—A. It was.

Q. State whether or not it was discovered that just prior to said election that several of the ballot boxes which had been prepared by you and the sheriff with a sufficient number of tickets were short of ballots or that part of said ballots had been taken from said box.—A. Yes; it was discovered that a part of the tickets had been taken from some of the boxes.

Q. What did you do on learning of the shortage of ballots in the said precincts, if anything?—A. I learned on Sunday evening at 3 or 4 o'clock that part of the ballots had been taken from Campbell's precinct box; immediately on receiving this report I made arrangements with a man to take his car and go to Birmingham and have 5,000 more ballots printed. The sheriff and myself got together and concluded that possibly there was a general robbery of the boxes all over the county. As early as the sheriff and myself could get ready we took all of the surplus tickets we had and all that we had for Oneonta precinct and got in a car and drove all night, going to the ballot boxes of the different precincts. We found some four or five boxes that night that part of the tickets had been taken out of the boxes; we replaced the tickets where

they were short. We got in home between 4 and 5 o'clock next morning (Monday). We did nothing more until we received the other tickets from Birmingham. I took some tickets in my car and the sheriff took some. We went in different directions, supplying boxes where there was a shortage. We did not get to all the boxes that night. I visited some 10 or 12 boxes on the day of the election with tickets supplying where they were short. Mr. Taft and the sheriff went out on Tuesday morning with tickets, supplying the boxes where found short.

Q. After hearing that the ballot box in Campbells precinct had had a part of the tickets taken therefrom, what, if anything, had you heard or knew of that made you suspect that a part of the tickets had been generally taken from the different boxes of the county?—A. When I got the report from Campbells beat box they told me there was only 112 or 114 tickets in the box, knowing that was somewhere about enough ballots for the Republicans to vote in that precinct, and hearing the reports from different parts of the county that the Republicans were advised to vote early in the morning, that the tickets would be short, and that all would not get to vote; and I knew that there was no excuse for it, that there had been plenty of ballots sent out for everybody, and the Republicans had been advised different times of the number of ballots that I had ordered.

Q. Were you present at the polls in the early part of the day in the Oneonta precinct at said election?—A. I was.

Q. State whether or not the Republicans of said precinct made an unusual rush to vote in the early part of the day at said election.—A. They did as long as I stayed here.

Q. About what time in the morning were you there?—A. I went up to the polls early. I was there when the polls opened. I had several absentee voters tickets to deliver to the managers and wanted to vote myself as early as possible so that I could leave and visit some election boxes that had not been heard from to see if they had plenty of tickets.

Q. About how long were you at the polls before you could get an opportunity to vote?—A. Something like three-quarters of an hour.

Q. State whether or not there was a rush and commotion about the polls while you were there?—A. There was a considerable rush and crowding around the polls, acting like they thought there would not be ballots enough for them to vote.

Q. Were they mainly Republican voters around the polls at that time?—A. They were.

Q. State whether or not the voters were permitted to crowd within the polls where the said election was being held.—A. Yes; there were several in there; the deputy sheriff was after them to stay back and keeping them back the best he could.

Q. Were they Democratic or Republican voters?—A. Principally Republicans.

Q. How long have you resided in Blount County?—A. A little better than 48 years.

Q. State whether or not the said county has gone Democratic or Republican in the general elections for the past 20 years.—A. The county has gone Democratic solidly at every general election except two for the past 20 years, and part of the Democratic ticket was elected at those two elections.

Q. Approximately what has been the Democratic majority at those elections?—A. From 100 to 250.

On cross-examination by Mr. SLOAN witness testified as follows:

Q. The election board of this county, the sheriff, the clerk, and probate judge are Democrats, are they not?—A. They are.

Q. In selecting officials for the last election in Blount County state how they were selected in reference to politics—as to number.—A. One Republican manager, one Republican clerk, two Democratic managers, and one Democratic clerk in each precinct.

Q. The board could have divided them up as to politics if they had seen proper, could they not?—A. The law requires three managers and two clerks at each box, and also requires that each political party have one manager and one clerk; and we appointed them according to law.

Q. The board selected one manager and one clerk for each box according to law and the third manager at each box according to their own wishes, did they not?—A. Yes; they were appointed on our own judgment.

Q. In selecting the third manager at each box were there any Republicans selected?—A. I understand that there was in one box.

Q. Name the beat.—A. Hood's beat, No. 9.

Q. Name the managers at that box.—A. Mr. Kaughman, who, I understand, is a Republican; W. J. Blalock was an official, but I do not remember whether he was a manager or clerk; Harley Bynum, a Republican, was a manager or a clerk—I do not remember which. I do not remember the others; I understand there were two Republican managers and one Republican clerk, one Democratic manager and one Democratic clerk at said box.

Q. If two Republican managers were selected at that box was it done intentional by the board?—A. No.

Q. How many names from which to select a manager and a clerk were submitted to the board by the chairman of the Republican executive committee of Blount County, Ala., in Blountsville precinct No. 5?—A. Three, as I remember.

Q. What were the politics of those three?—A. I only remember John Sivley and Jesse Phillips.

Q. What are they?—A. Jesse Phillips a Republican, and I had always understood that John Sivley voted a mixed ticket at times, principally a Republican ticket; all the time that I ever heard of him voting for a Democrat that he told me that he had always voted for me.

Q. When does the tax collector of Blount County make his return of the poll taxes to your office paid in the county?—A. First of March, as I remember; I am not positive.

Q. Could you not tell from those returns that a considerably larger number of voters had qualified in Blount County than ever before since the new constitution of the State had been in effect?—A. Yes; as I remember, there were some four or five hundred more.

Q. When did you first know that the legislature of the State had been called together for the purpose of enfranchising the women?—A. As I remember, it was in August, possibly the latter part of July.

Q. When did you make the first order of ballots for the last November election?—A. The latter part of September preceding the election.

Q. When did the ballots arrive?—A. The first order arrived, as I remember, about 15 days before the election, possibly 20 days.

Q. Had the legislature of the State enfranchised women at that time?—A. They had.

Q. When did you make the second order of 3,000 ballots?—A. Some four or five days before I received the first order.

Q. That made 10,000 in all ordered, did it not?—A. It did.

Q. How many votes were polled in this county at last election?—A. Something over 6,900.

Q. When did you make the third order of 5,000 ballots?—A. On Sunday evening prior to the election on Tuesday.

Q. You made the third order immediately after being informed of the shortage of ballots in Campbell's precinct, No. 8, did you not?—A. I did.

Q. You stated that you and the sheriff of the county had a consultation and come to the conclusion that there had been a general robbery of the boxes in the county; state when you had that consultation.—A. Some 10 or 15 minutes after I had learned that there was a shortage of the tickets in Campbell's precinct.

Q. Was this before or after you had made the third order for ballots?—A. It was before; the sheriff and myself decided in that consultation to start a man immediately to Birmingham to have more tickets printed and to bring them back.

Q. At that time had you had any information of any shortage of ballots in any other ballot box in the county?—A. I had not; and knew positive that there had been plenty of ballots placed in all of the boxes of the county for all to vote, and never thought of such a thing until I heard of the shortage in Campbell's precinct.

Q. I believe you stated in your direct examination that you did not count the ballots put in the boxes, but only estimated them?—A. Yes; when I received the tickets from the printer they were put up in equal sized blocks so far as we could tell by examining them; the sheriff and myself counted the ballots in several of the blocks; there was none of them less than 100 to the block and some of them run as high as 116, and we placed them in the boxes, made our calculations on the number of ballots we were placing in each box by the blocks, counting each block at 100 ballots.

Q. State the time the tickets were put in the ballot boxes by you and the sheriff.—A. I do not remember the date, but it was the next morning after I received the first order of ballots, that we filled up the boxes as far as the ballots we had would go, and immediately after receiving the second order of ballots we finished filling the boxes.

Q. Where were the boxes left after the tickets were put in them?—A. They were filled and left in the sheriff's office.

Q. How were the boxes sealed?—A. They were locked.

Q. Where were the keys?—A. Tied with a string on the outside of the boxes.

Q. Who made up the published itinerary of the registrars of the county for registering women just before the last election?—A. I do not remember who was present, whether anyone or not except myself and the registrars; as I remember, I did the writing.

Q. When was the notices of the sittings of the registrars sent out with reference to the time the registrars sit at Snead for registration and at High Mound?—A. About 1 or 2 o'clock the day the registrars qualified; immediately after the registrars on October 11, the lists of the time and places of the sittings of the registrars was made out and given to the printer and as early as the printer could get a part of the notices printed there were two or three cars left to go to Snead to advertise the sitting of the next day; as I remember they left here about 1 o'clock, or possibly a little later in the afternoon.

Q. How about places in the county; do you know of the registrars sitting for the purpose of registering voters other than those places advertised?—A. No other places, except Cleveland; as I came through Cleveland on the evening of October 18 they told me they were going to register the women there that night; this was on the way from Locust Fork, as they were coming into Oneonta to register here; I have heard of some other places, but I do not know anything about it.

Q. Do you know of any Republicans being notified of this registration at Cleveland?—A. No; I don't know of any. It was a public talk at Cleveland in the evening before they registered there that night. I do not know whether these parties at Cleveland were Democrats or Republicans.

Q. Was there any public notice, written or otherwise, given of the registration at Cleveland?—A. I do not know.

Q. Do you know of any voters being registered other than by the regular registrars of the county?—A. I do not know of any except those registered by the registrars and their clerks while the registrars were sitting at Blountsville and here in Oneonta.

Q. Did you register any voters yourself?—A. I was at Blountsville when the registrars were sitting at that place; they were crowded and I was asked by the registrars to help them a while, and I did so, working right by J. H. Ketchum, one of the registrars; the other registrars were near by, in the same building.

Q. You stated there was an unusual rush of the Republicans to vote in Oneonta in the morning of the last election and that they were looking like they thought the ballots were going to be short; how did the Democrats look?—A. They looked like they thought they were going to have plenty of ballots; they were not rushing around.

Q. Did you make a trip to Lehigh just before the election?—A. I did not.

Q. Were you at Jim Reid's with Lee Self one night shortly before the last November election?—A. I was not.

Q. Were you at Jim Reid's with Lee Self at any time before the last election during last year?—A. No; I was not any time last year or since.

Q. Were you down in the country around Lehigh shortly before the election with Lee Self?—A. I was not.

Q. What was the number of absentee votes cast in Blount County in the last November election?—A. I do not remember, and I did not keep a record of them; the best of my judgment there were some 50 or 60.

Q. How were the votes with reference to politics?—A. I could not say; I did not see the tickets.

Q. The applications for ballots were made to you by all parties voting an absentee vote, were they not?—A. They were.

Q. How many absentee ballots were cast at Oneonta box?—A. Some 25 or 30, as I remember.

Q. What percentage of those votes were Democratic and what percentage were Republicans?—A. I do not know.

Q. Did you deliver all of these absentee votes in person to the respective managers of the election of the different precincts of the county?—A. I deliv-

ered all except those going to two precincts. I sent the absentee tickets to one precinct by Mr. O. G. Taff; this was White's beat; as I remember I had one absentee's ticket for Reids Gap precinct, and I sent that one by the sheriff; there were 13 other precincts in the county that I had absentee votes for, and I delivered those in person, while the polls were open.

Q. Did you deliver an absentee vote to Hardwick's beat No. 10 in person to the election managers of that box?—A. I do not remember positively that I had an absentee voter's ticket for Hardwick's precinct; if I did have one I delivered it to one of the election officers the night before, with the instructions for him to carry it to the polls the next day.

Q. Did you deliver all the absentee votes to the managers on the day of the election?—A. I did in person or by deputy.

Q. Did you deliver any absentee votes to Hood's precinct No. 9?—A. I did.

Q. Were the polls closed when you arrived at the precinct?—A. I arrived at Hood's precinct at 4.55 o'clock p. m.; they told me that they had just closed the polls; I looked at my watch and told them they had closed ahead of time; they said they thought everybody had voted, but they would take those ballots and count them and put them in the box; I do not know whether they did so or not.

Q. Who was it that said they would take the ballots and count them?—A. I do not remember; it was some one of the election officers.

Q. Was the polls opened at that election by your watch?—A. I guess not; it was not up there, but I had correct time.

Q. Did you deliver a ballot to Mrs. Savannah Copeland, at Oneonta, for an absentee vote to be voted in Joy precinct?—A. I did not.

Q. Did you deliver an absentee vote to managers of precinct No. 4—Pochahontas—voted by one Mr. Parrish?—A. I did.

Q. Was he dead at the time this vote was delivered?—A. I do not know.

Q. The last time that Judge T. H. Davidson ran against Judge Kelton for probate judge in this county is it not fact that the election returns showed Judge Kelton's majority, a Democrat, over Judge Davidson, a Republican, to be only nine votes?—A. I don't remember.

Q. Do you remember that it was about that number?—A. I remember that the majority was small.

Q. Do you remember that it was less than 25 votes?—A. I do not remember anything about the number, but it was a small majority.

Q. How many years ago was that?—A. Ten years last November.

Q. Do you remember that at that election Henry Brown, Republican, was defeated by his Democratic opponent by only 30 votes, or the election previous to that?—A. No; I do not remember anything about it.

Q. Do you remember the majority of C. B. Kennamer carried in Blount County over his Democratic opponent for Congress at the special election held last September one year ago?—A. As I remember, it was 56 majority, but we had a very small vote.

Q. Is it not a fact that at the election of 1914 in Blount County that three Republican officers, to wit, R. W. Buckner, sheriff; J. B. Stephens and W. M. Nunn, commissioners, were elected in Blount County?—A. It is by a small majority, and at the same election Dr. J. S. Wittmeier was elected representative as a Democrat by a much larger majority.

Q. Are you an active, vigilant partisan Democrat?—A. I am an active and vigilant, but not partisan Democrat.

On cross-examination by Mr. KING witness testified as follows:

Q. When were you elected to the office of probate judge?—A. In November, 1916.

Q. Who was your opponent in said election?—A. J. B. Sloan.

Q. What was your majority over Mr. Sloan in that election?—A. I do not remember exactly, either one hundred and sixty and odd or one hundred and seventy and odd.

Q. Is Mr. Sloan an active, vigilant, and partisan Republican?—A. I would take him to be very active and vigilant; I do not say he is a partisan Republican.

E. G. ALDREDGE.

Sworn to and subscribed before me this March 19, 1921.

J. C. NATION,
Commissioner.

On examination of BARNIE PEARMAN, on behalf of the contestee, witness testified as follows:

Q. What is your name, and where did you reside on November 2, 1920?—A. My name is Barnie Pearman; I resided in Campbell's beat No. 8, Blount County, Ala.

Q. How old are you?—A. I will be 21 the 30th day of August, 1921.

Q. Do you know Tom Spradling, who lives in that beat?—A. Yes, sir.

Q. Do you know whether or not he is a Democrat or Republican?—A. Yes, sir; he is a Republican.

Q. Is he married or single?—A. He is married.

Q. Did you see him at the polls on November 2, 1920?—A. I did.

Q. Did he vote in that election?—A. No, sir; he did not have his poll tax paid.

Q. Did his wife vote in said election?—A. Yes, sir.

Q. Do you know an old lady living with him by the name of Aunt Kal Donie?—A. Yes.

Q. Is that the name she is known by in that community?—A. It is.

Q. About how old is she, in your judgment?—A. I guess she is about 60 years old, or older.

Q. Did you see her at the polls at the general election November 2, 1920?—A. Yes, sir.

Q. Did she vote in that election?—A. No, sir.

Q. Did you hear Tom Spradling say anything to her at the polls?—A. He did not say anything to her at the polls.

Q. Did she go back home?—A. Yes, sir.

Q. Did you carry her home?—A. Yes, sir.

Q. Did you go back after her the second time that day?—A. Yes, sir.

Q. Where did you find her?—A. At Tom Spradling's house.

Q. Was that her home?—A. Yes, sir.

Q. What did you go up there after her for?

(Objection by contestant.)

A. I heard the managers say she could vote if she wanted to and I went after her and told her she could vote if she wanted to, "and I will carry you over there."

Q. Did you carry her back to the polls?—A. No, sir; I started with her and she said it was going to cause trouble and if I would carry her back she would go back, for it was going to cause trouble if she voted.

Q. Did you hear anyone say anything to her at Spradling's house before she left there? State who said it, and what it was.—A. Tom Spradling's wife said to the old lady that Tom Spradling said if she went and voted the Democrat ticket she would have to get her things out of the house as soon as she got back.

(Objection by contestant.)

Q. What did the old lady say in reply to that?—A. She said, "I guess I can get them out."

Q. Did she tell you what ticket she would vote?

(Objection by contestant.)

A. Yes, sir.

Q. Which ticket did she say she would vote?—A. Democratic.

Q. Did you take her to the polls the second time?—A. No, sir; I started with her and got about half mile when she decided rather than have trouble she would go back home.

Q. And you carried her back home?—A. Yes, sir.

Q. When you got back to the house did she make any statement to you?—A. She said, "I am still a Democrat."

On cross-examination by Mr. SLOAN, witness testified as follows: ,

Q. Barnie, what time did you go to the polls on the morning of the last November election in your precinct?—A. About 9 o'clock.

Q. How long were you around the polls that day?—A. I was there off and on all day.

Q. You were not a voter at that time, were you?—A. No, sir.

Q. Who employed you to haul voters to the polls that day?

(Objection by contestee.)

A. I don't know that anyone employed me; I just went and brought anybody who had no way to come.

Q. How many Republicans did you haul to the polls that day?—A. If I hauled any at all, I didn't know it.

Q. If you hauled any Republicans on election day, it was unintentional, was it not?—A. Yes.

Q. Did Tom Spradling come to the polls that morning with his wife when she came to vote?—A. Yes, sir.

Q. How long did Tom stay around the polls?—A. He just stayed long enough for his wife to vote and went away.

Q. How far is it from where Tom Spradling lives to the polling place?—A. About one mile and one-half.

Q. Were you within the polls at any time during the day of the election?—A. No, sir.

Q. You were not in there, then, when Aunt Kal went in to vote, were you?—A. She never did get in the polling place.

Q. How far were you from the polling place at that time?—A. I was standing right at the door.

Q. Tell what was said by Mr. Spradling and Aunt Kal at that particular time and to whom.—A. Tom Spradling said that she was not a legal voter; said she had not been living in the county long enough; she did not say anything, except as she turned away said, "I am still a Democrat."

Q. She did not attempt to vote after this, did she?—A. No; the managers said she could not vote if she hadn't been there long enough.

Q. Did she ask for a ticket?—A. No, sir.

Q. You officiated around the polls there all day, did you not, Barnie?—A. I don't know whether you call it officiating or not; I was around there off and on all day.

Q. You had your vehicle there and watching for Democrats who wanted to be hauled to the polls all day, did you not?—A. Yes, sir; them that didn't have any way.

Q. Did you haul voters to the polls voluntarily or did some one tell you to do it?—A. I hauled them voluntarily.

Q. Do you remember when the registrars came to your precinct?—A. I don't recollect the very date, but I knowed when they were there.

Q. How long before they came did you have notice that they would register voters there that day?—A. I did not know it until the day they were registering.

Q. There was not any notices stuck up around there that they were coming, was there?—A. If there was, I did not see them.

Q. You live right there in that community, do you not?—A. Yes, sir.

Q. Do you know of any parties other than the regular registrars registering voters in Campbell's beat shortly before the election?

(Objected to by contestee.)

A. No, sir.

Q. Have you any political affiliations, Barnie?—A. If I could vote, I would vote a Democratic ticket.

Q. You are rather a partisan Democrat, are you not, Barnie?—A. I would vote the Democratic ticket; that's what I would do.

On reedirect by Mr. KING, witness testified as follows:

Q. Barnie, how long did Aunt Kal live with Tom Spradling before November 2, 1920?—A. She told me she had been there off and on for four years.

Q. Do you know whether her household goods were at Tom Spradling's home?—A. She never told me whether they were there or not.

Q. When Aunt Kal came to the polls the first time had Tom Spradling informed the managers about her residence?—A. No, sir; what I heard was while she was there.

Q. Did the managers ask her any questions at that time?—A. No, sir.

Q. Did she tell anyone at that time how long she had lived in the county?—A. She told me she had lived there off and on for four years, but not in the presence of the managers.

(Objection by contestant.)

Q. How many people did you haul to the polls on that day?—A. Something like five or six.

Q. Were they women or men?—A. They were women.

Q. Were they old or young?

(Objection by contestant.)

A. Part of them old and part of them young.

Q. About how far did you have to haul them?—A. Some about one mile and one-half, and some of them two and one-half.

Q. Did you see any Republicans hauling voters to the polls on that day?—A. I saw Griffin Eller.

Q. Is he a Republican or Democrat?—A. He is a Republican.

Q. Did Griffin Eller haul any Democrats to the polls on that day?—A. No, sir.

Q. Do you know how many people were registered by the registrars at the time they were in your beat?—A. No, sir.

Q. Did you know the board of registrars?—A. No, sir.

On recross by Mr. SLOAN, witness testified as follows:

Q. When did these women send for you to come and haul them to the polls?—A. They didn't send for me.

Q. You were just going around over the country hunting for Democrats to haul to the polls, were you not?—A. If I heard of one who did not have any way I would go and haul them.

Q. Give the names of the ones you hauled to the polling place.—A. Aunt Kal, Ora Griffin, Lula Mayo, Mrs. Hastings, Grace Pearman.

Q. Who told you that Aunt Kal wanted to be hauled?—A. John Nichols and some others.

Q. Who told you that Ora Griffin wanted to be hauled?—A. No one; I just went after her; her husband was away from home.

Q. Who told you that Lula Mayo wanted to be hauled?—A. I passed their house and her husband told me that he couldn't vote and was not going; his wife was standing there, and I told her if she wanted to go I would take her.

Q. Who told you that Mrs. Hastings and Grace Pearman wanted to be hauled?—A. I passed along by Hastings, she was standing in the door, and I said, "Are you going to vote to-day?" She said, "I don't know; my husband is gone, and I have no way to go to the polls." I told her I would take her if she wanted to go. Grace Pearman is my wife.

Q. How many Democratic vehicles were there on the ground there that day to haul voters?—A. I don't know how many there was. I never went around and counted them.

Q. There were several, then, were there not?—A. No; there was not so awful many.

Redirect by Mr. KING, witness testified as follows:

Q. Were there any Republican vehicles at the polls hauling voters on that day?—A. Yes, sir; there were two that I know of.

BARNIE PEARMAN.

Sworn to and subscribed before me this March 17, 1921.

J. C. NATION, *Commissioner*.

C. S. NATION, sheriff, being examined on behalf of the contestee, testified as follows:

Q. What is your name and where did you reside on the 2d day of November, 1920?—A. My name is C. S. Nation and I resided in Oneonta, Ala., in precinct No. 36.

Q. What office do you hold in Blount County, if any?—A. I am sheriff.

Q. Were you sheriff in November, 1920?—A. I was.

Q. Whom did you succeed as sheriff?—A. R. W. Buckner.

Q. Was he a Republican or a Democrat?—A. He was a Republican.

Q. How many keys did said Buckner turn over to you which lock and unlock the door to the sheriff's office?—A. Only one.

Q. Did you assist in preparing the ballots and other official papers for the different precincts of Blount County just prior to the general election in November, 1920?—A. I did.

Q. Whom did you assist?—A. E. G. Aldredge, probate judge.

Q. Was there a sufficient number of ballots placed in each box of the various precincts of the county for all of the qualified electors to have a ballot with which to vote?—A. There was.

Q. State how you arrived at the number of ballots that was necessary for each precinct.—A. We had the official poll lists before us for the male voters;

we then allowed as many for the women and then put in from one to two hundred ballots extra; in real small beats we put in 50 extra.

Q. When did you first hear that the ballots were short in some of the precincts?—A. Late Sunday afternoon, prior to the election on Tuesday following.

Q. How did you get this information?—A. Gus Moore, who lives in Campbells precinct, No. 8, told me.

Q. What was done upon learning of said shortage in Campbells precinct?—A. I consulted with Judge Aldredge, after which Mr. O. G. Taff was sent to Birmingham in a car to have 5,000 more ballots printed and bring them back.

Q. Did he have them printed and bring them back?—A. He did.

Q. How were these extra tickets delivered to the various precincts of Blount County?—A. Judge Aldredge, O. G. Taff, and myself carried them to the different precincts of the county in automobiles on the day of the election and the night before.

Q. Do you know who robbed said boxes of part of their tickets?—A. I do not.

Q. State where the boxes were left after they were filled before being sent out to the various precincts.—A. They were left in my office.

Q. How were they fastened?—A. They were locked and the key left swinging on the outside.

Q. After the boxes were filled, how long did they remain in your office?—A. Some of them about one week; others were immediately sent out.

Q. Was your office kept locked while said boxes were in it?—A. Yes; it is locked all the time.

Q. Were the windows to your office locked at all times?—A. They were.

Q. Could anyone have gotten in the office, other than yourself and John Moore, your deputy, without a key or breaking the door or window?—A. They could not.

Q. How many deputies did Sheriff Buckner have here at the sheriff's office?—A. Luther Latham all the time and Dave Stanfield part of the time.

Q. What is the politics of Luther Latham and Dave Stanfield?—A. They are Republicans.

Q. I will ask you if ex-Sheriff Buckner was not a candidate on the Republican ticket in the last November election for tax collector?—A. He was.

Q. Where did ex-Sheriff Buckner and Luther Latham reside November 2, 1920?—A. They reside in Oneonta, Ala.

Q. Where any of the boxes of said election for the various precincts which were immediately sent out after being filled short of tickets?—A. No; they were not; I examined them on Sunday night before the election on Tuesday and the tickets were all there.

Q. Were the boxes just referred to Democratic or Republican precincts?—A. Two of them were Republican and three Democratic in majority I also delivered in person the box to Hood's beat No. 9 immediately after it was filled and it was not short.

Q. Is Hood's beat Democratic or Republican?—A. It votes Republican by a large majority.

Q. In your judgment where were the tickets extracted from said boxes that were short?—A. My judgment is that it was done by some one while the boxes were remaining in the sheriff's office, and by some one who had a key which would unlock the door to said sheriff's office.

On cross-examination by Mr. SLOAN, witness testified as follows:

Q. When Sheriff Buckner turned over the key to the sheriff's office to you who was present?—A. I couldn't say whether anyone besides Mr. Buckner and myself.

Q. Did you ask him if that was all the keys to the sheriff's office?—A. I did not.

Q. Did he tell you that was all?—A. He did not.

Q. When you state there was a sufficient number of ballots placed in each box do you mean there was two blank ballots for each voter in every precinct in the county?—A. I do not.

Q. For instance, there was 100 votes in a precinct. How many ballots would you put in that box?—A. About 150.

Q. When the ballot boxes were prepared in what office were they prepared?—A. In the sheriff's office.

Q. They stayed in your office until regularly sent out to the polling places did they not?—A. So far as I know they did.

Q. Do you know of any other key to the sheriff's office other than the keys in your possession?—A. I do not.

Q. In your judgment did ex-Sheriff Buckner turn over to you all the keys that he had to the sheriff's office and to the jail?—A. In my judgment he turned over all he had himself, but I don't think he turned over the keys of his deputies.

Q. Do you know of any of Sheriff Buckner's deputies who has a key to the sheriff's office?—A. Not to my own knowledge.

Q. At the time Judge Alldredge ordered 5,000 extra ballots from Birmingham had he or you any information of the shortage of ballots in any box or boxes other than in Campbell's precinct No. 8?—A. I had none other.

Q. Did Judge Alldredge mention having any other information than the shortage in Campbell's precinct in that consultation?—A. No.

Q. Did you notice any signs that the sheriff's office had been gone in or broken into?—A. I did not.

Q. You do not know that it was gone into, do you?—A. Yes; the tickets were bound to have gone out of the office.

Q. You have no personal knowledge that they went out of the office have you?—A. Nothing more than when the boxes were delivered the tickets were gone.

Q. Did you examine any of the boxes immediately before they were sent out?—A. I filled some of the boxes just prior to their leaving; those that had been filled longer I did not examine.

Q. How many did you fill immediately before they went out?—A. Some 8 or 10.

Q. Have you any judgment if these ballots were taken out of the sheriff's office as to who did it?—A. I have not.

Q. About how many precincts in the county were short of ballots?—A. I don't know exactly; something like half.

Q. Have you the custody of all the returns of the last election?—A. I have.

Q. Will you produce the clerk's poll list and the number of votes cast in Oneonta precinct No. 36; also the absentee vote cast in Joy precinct, with the oath accompanying the vote; also the oath made by Mrs. Savannah Copeland for an absentee vote which was voted in Joy precinct?—A. I will produce the returns, such as I have.

Q. What number of votes did you find on the clerk's poll list of this precinct?—A. Six hundred and eighty-eight.

Q. What did the returns of the managers show to have been cast in this Oneonta precinct?—A. Six hundred and ninety-three.

Q. You arrived at this after having examined the clerk's poll list and the returns of the managers, do you not?—A. I do.

Q. Did you find Savannah Copeland's absentee vote and the oath accompanying it?—A. I found her oath and a ticket pinned to it, and this is it.

(Contestant introduces the oath purporting to be the oath of Savannah Copeland, taken by F. A. Hearn on the 1st day of November, 1920; also the ticket pinned to same, marking the oath as "Exhibit X" and the ticket as "Exhibit Y.")

Q. What is your politics?—A. Democrat.

Q. Are you an active, vigilant, partisan Democrat?—A. I am not.

Q. Are you an active Democrat?—A. I am.

Q. Are you a vigilant Democrat?—A. I am.

Q. Are you a partisan Democrat?—A. I am not.

Q. Do you always vote for the Democratic measures and nominees on the Democratic ticket?—A. I do.

Q. Did you register as a voter Miss Tallie Moore?—A. I did not.

Q. Were you present when she was registered?—A. I don't think I was.

Q. Do you know who registered her?—A. I do not.

Q. Were you present when Mary Putnam registered?—A. I was not.

Q. Do you know anything about the registration Mrs. James Self, Blountsville, R. F. D. No. 1?—A. I brought her application in.

Q. Did you fill out the application for her?—A. I did.

Q. Was she registered on that application?—A. I don't know.

Q. Who did you turn her application over to?—A. I can't say, but to some of the registrars.

Q. Do you know of any other voters who was registered by any other persons other than the registrars?—A. I do not.

C. S. NATION.

Sworn to and subscribed before me, this March 19, 1921.

J. C. NATION, *Commissioner*.

STATE OF ALABAMA, *County of Blount:*

I, J. C. Nation, a notary public in and for said State and county, and duly authorized by L. B. Rainey, contestee, to take deposition of witnesses in his behalf, wherein C. B. Kennamer, contestant, is contesting the certified election of L. B. Rainey, contestee, to the Sixty-seventh Congress of the United States of America for the seventh congressional district of Alabama, said election in said district having been held on the 2d day of November, 1920, hereby certify that I have caused to come before me at the times and places mentioned in this certificate and mentioned in the notice attached to the depositions, for the purpose of giving evidence in behalf of L. B. Rainey, contestee, the following witnesses: John Sivley, H. A. Love, John L. Cobb, all of Blountsville, Ala.; H. C. Blackwood, Cleveland, Ala.; E. G. Aldredge, C. S. Nation, John Moore, H. C. McPherson, and W. M. Hagood, all of Oneonta, Ala.; B. D. Nash, J. W. Nash, Elmer Fowler, and L. W. Ellison, all of Walnut Grove, Ala., R. F. D. No. 2; Will Kerr, Jasper Webb, of Altoona, Ala., R. F. D. No. 3. The above-named witnesses were to be examined at Oneonta, Blount County, Ala., at the courthouse on the 15th day of March, 1921, and Barmie Pearman was examined at said courthouse in Oneonta, Ala., on the 18th day of March, 1921, all of said witnesses living in Blount County, Ala.

The aforesaid witnesses were sworn to speak the truth, and all relevant questions propounded to them by the contestee and contestant and their answers thereto, as near as may be, were taken down by me in their presence and read over to the witnesses, who signed the same in my presence as their true evidence on said examination. The foregoing record, depositions from pages 1 to 39, inclusive, contains the depositions of the aforesaid witnesses complete. And I certify that at the examination of each of the aforesaid witnesses counsel for contestant was present and examined, or had the opportunity of examining on cross said witnesses.

I further certify that I am neither of counsel nor of kin to L. B. Rainey, contestee, or C. B. Kennamer, contestant, and that I have conducted the examination of the aforesaid witnesses fairly and according to law to the best of my ability.

Given under my hand and seal this 28th day of March, 1921.

[SEAL.]

J. C. OR JULIUS C. NATION,

Notary Public, Commissioner for L. B. Rainey, Contestee.

CONTESTEE'S EXHIBIT A.

REGISTRATION NOTICE.

According to section 31, act of the legislature, 1920, to provide for registration of electors who have become qualified since January 5, 1920, the board of registrars will sit at the following times and places for the purpose of registering persons entitled to register:

Snead, Oct. 12	8 to 12 a. m.
Highmound, Oct. 12	1 to 2.30 p. m.
Eagle Schoolhouse, Oct. 12	3 to 5 p. m.
Summit, Oct. 13	8 to 12 a. m.
Pocahontas, Oct. 13	1 to 4 p. m.
Blountsville, Oct. 14	7 to 12 a. m.
Gum Springs, Oct. 14	1 to 4 p. m.
Blount Springs, Oct. 15	8 to 12 a. m.
Sulphur Springs, Oct. 15	1 to 4 p. m.
Sibleyville, Oct. 16	9 to 10 a. m.
Hayden, Oct. 16	10.30 a. m. to 1.30 p. m.
Walkers, Oct. 16	2 to 4 p. m.
Remlap, Oct. 18	8 to 10.30 a. m.
Selfville, Oct. 18	11 a. m. to 2 p. m.
Locust Fork, Oct. 18	3 to 5 p. m.
Courthouse, Oneonta	Oct. 19 to 26, inclusive.

The board will sit at the courthouse from October 19, 1920, to October 26, inclusive.

JOHN H. KETCHUM,
JOHN SOUTH,
TRACY BROWN,
Registrars.

(Contestee's Exhibit B, soil map and soil survey of Blount County, Ala., omitted in printing.)

NOTICE TO TAKE DEPOSITIONS.

To C. B. KENNAMER, *Contestant*:

Take notice that L. B. Rainey, contestee, will take the deposition of witnesses named in this notice before C. B. Sims, duly authorized commissioner, at the courthouse of Cherokee County, Ala., beginning at 9 o'clock a. m. on Wednesday, the 16th day of March, 1921, and from day to day thereafter until the examination of said witnesses is complete.

The names and addresses of witnesses are as follows: G. L. McCullough, Jamestown, Ala.; Wash Mitchell, Round Mountain, Ala.; J. A. Stone, Cedar Bluff, Ala.; J. J. Cothran, Cedar Bluff, Ala.; J. T. Price, Cedar Bluff, Ala.; W. W. Ward, T. H. Schropshire, Joe W. Baker, S. J. Garrett, Jim King, and Will Woodall, all of Center, Ala.

ALTO V. LEE.

I, Alto V. Lee, attorney for L. B. Rainey, contestee, hereby certify that I have executed the above notice by serving a copy of the same on the Hon. Thos. H. Stephens, attorney for C. B. Kennamer, contestant, this 12th day of March, 1921.

ALTO V. LEE.

Attorney for Contestee.

THE STATE OF ALABAMA, *Cherokee County*:

I, C. B. Sims, a notary public, and duly authorized commissioner to take depositions for L. B. Rainey, contestee, in the matter of the contest of the congressional election held November 2, 1920, in the seventh congressional district of Alabama, wherein L. B. Rainey was declared elected; personally appeared before me the witnesses whose names are mentioned in and who subscribed to the following depositions, after being duly sworn by me to speak the truth, deposed and stated as follows:

President and representing L. B. Rainey, contestee, Hon. Hugh Reed, of Center, Ala.

Present and representing C. B. Kennamer, contestant, Hon. Thos. H. Stephens, of Gadsden, Ala.

MARCH 16, 1921.

J. J. COTHRAN, being called, testified as follows:

Q. In what precinct in Cherokee County, Ala., do you reside?—A. In precinct 1.

Q. At which box in precinct 1 do you vote?—A. Box 1½, Howell's.

Q. Was you one of the election officers at Box 1½ in your precinct at the election held last November?—A. Yes, sir.

Q. State whether or not the election officers were sworn before opening the polls that day, or at any time during the holding of that election.—A. They were not.

Q. Who were the managers?—A. Myself, E. H. Bowman, and W. T. Williamson.

Q. Who acted as clerks and the returning officer?—A. E. Rux and Robert Godfrey were the clerks and Tol Price was the returning officer.

Q. Did the Republicans have a watcher in the polls there that day?—A. Yes, sir.

Q. Who was he?—A. George May.

Q. Did George May, the watcher, take part in holding the election or have anything to do with the casting of the ballots there that day?—A. Yes, sir; he filled the most of the tickets; that is, marked them.

Q. Do you remember how many votes were received at that box by Mr. Kennamer and how many by Mr. Rainey?—A. I think there was 157 for Mr. Kennamer and 39 for Mr. Rainey.

Q. Do you know of any women in your community who failed to register?—A. No, sir; I do not know that I do.

Q. Did all the women in your community register, so far as you know?—A. I spoke a little too quick; there was four or five down on the Thompson farm who did not.

Q. Were these four or five reputed to be Democrats or Republicans?—A. There was two who claimed to be Democrats and the balance claimed to be Republicans.

Q. Do you know of any other women up there who did not register?—A. No, sir.

Cross-examination :

Q. What is your politics?—A. I profess to be a Democrat.

Q. How many of the managers and clerks were Democrats at that box?—A. Two Democrats and the balance of them were Republicans; there were three Democrats if you count the returning officer.

Q. Was the election in that precinct fairly conducted?—A. As far as I know, it was; everybody voted that came there.

Q. Was the ballots counted as cast?—A. Yes, sir.

Q. Was a qualified list of the voters furnished by the probate judge?—A. Yes, sir.

Q. Was there anyone who voted who was not qualified to vote, from that list?—A. There were three that voted who had come down there from Georgia, that voted a challenged vote, and they said that the probate judge said they were qualified.

Q. How long had they resided in that precinct?—A. I do not know just exactly how long.

Q. Were their names on the certified list furnished you by the probate judge?—A. No, sir.

Q. Do you know how those three voted?—A. I do not; I know how they claimed to have voted.

Q. Mr. May, the watcher, what part in the election did he take?—A. He stood there at the door of the little room where they voted and marked tickets for them.

Q. Did the voters request him to mark their tickets?—A. Some did, and some when the came there he told them to come on and would mark their tickets for them.

Redirect examination :

Q. Did any of the electors apply to the managers for assistance in marking their tickets?—A. Yes, sir; some few did.

Q. You say that Mr. May marked tickets without being requested to do so?—A. I do not know whether any of them requested May to do so or not; he was there for the longest before I knew what he was there for.

Q. Did you hear May requesting electors to come on and let him mark their tickets?—A. I don't know that I did; I was back some distance, and was busy.

Q. You say that May stood at the door; was that the entrance to the voting place?—A. Yes, sir; he was there at the door most all the time.

Q. About how many tickets would you say that May marked there that day?—A. I would not like to say; I do not know how many he marked.

Q. Would you say that he marked a great many of them?—A. Yes, sir; he marked nearly all, except a few which the managers marked.

Q. You said here that you did not know how these three challenged voters voted, but you know how they claimed to have voted; for whom did they claim to have voted in the congressional election?

(Objection.)

A. Wilson has always voted a Republican ticket, and the others were his wife and daughter, and I supposed they voted for Kennamer.

Q. Do you know Mrs. Evaline Young, who lives up there near Howell's?—A. I know of her; yes, sir.

Q. How long have you known of her?—A. It has been, I suppose, 25 or 30 years.

Q. Did you ever hear that she was the widow of a Federal soldier?—A. No, sir.

Q. She is the mother of one or more children, is she not?—A. Said to be; yes, sir.

Q. Do you know her son, Jim Young?—A. Yes, sir.

Q. About how old is Jim Young?—A. I do not think him to be over 35; I do not know exactly.

Recross-examination :

Q. How long have you known Mr. Wilson?—A. Thirty or thirty-five years; nearly all my life.

Q. When did he go to the State of Georgia?—A. Year before last, I think it was; I would not be positive.

Q. Had he resided in this county up until that time?—A. Yes, sir.

Q. You know whether or not he still claimed his citizenship in this county?—A. He told me he did.

J. J. COTHRAN.

GILES McCULLOUGH, being called, testified as follows:

Q. In what precinct in Cherokee County do you reside?—A. In precinct 15.

Q. You are one of the registrars of Cherokee County and chairman of the board, are you not?—A. Yes, sir.

Q. About when did your board receive the registration supplies?—A. I think it was the 13th of October, 1920; I am not very positive about that.

Q. Then, what, if any, appointments did you make between that date and the 19th of October, 1920?—A. The appointments we made were Sand Rock the next day after we received the supplies, then Gaylesville the next day, and Broomtown the next, and then at Spring Garden on Monday, the 18th.

Q. You live near Broomtown?—A. Yes; I live in Broomtown beat.

Q. How far do you reside from the county seat?—A. Eighteen miles.

Q. Was you in Center on the day the supplies were received?—A. I was not here; I came two days before we received the supplies.

Q. How did you get the information to meet the other registrars at Sand Rock on the next day after supplies were received?—A. Mr. W. M. Brock and G. W. Palmer came to my house and told me to meet the other registrars at Sand Rock that day.

Q. Was Mr. Brock a candidate for an office at that time—for what office and on what ticket?—A. He was a candidate for tax collector on the Republican ticket.

Q. Did Mr. G. W. Palmer occupy any position with the Republican Party in this county at that time; if so, what?—A. I think he was chairman of the campaign committee or executive committee.

Q. About how far is Sand Rock from Center?—A. I suppose it is about 12 miles.

Q. About how far is Gaylesville from the county seat?—A. About 12 miles.

Q. About how far is Broomtown, where you all sat?—A. Twenty-two miles.

Q. About how far is Spring Garden from the county seat?—A. Eighteen miles.

Q. State whether or not these four appointments were centers of population and farthest removed from the county seat.—A. We agreed on that, and that it would come nearer reaching the people than other places.

Q. In agreeing on these places that your board would visit, did you take into consideration the fact as to whether they were Republican or Democratic communities?—A. We did not.

Q. How and in what manner did you give notice of your appointments in these outlying districts?—A. We phoned, sent word every way that we could get the word to anybody and everybody.

Q. Did you publish any notice in the newspapers?—A. I am not positive about that.

Q. Did you publish notice in the newspapers of your sitting here at Center?—A. Yes.

Q. After receipt of the supplies did your board or not give as wide publicity of your appointments as it was possible to do under the circumstances?—A. We done everything we could to let the people know.

Q. State whether or not all women, regardless of their political affiliations, were given the same opportunity to register?

(Objection.)

A. Everybody had the same chance; we did not know who they were going to vote for.

Q. Did your board deny to anyone the opportunity to register on account of their political affiliation?—A. We did not.

Q. Did your board register all white women who made application to you?—A. I think there was one lady at courthouse who did not have the qualifications that we did not register.

Q. Was that, or not, Mrs. Evaline Young?—A. I think that was her name.

Q. Aside from this, did any other white woman apply to you for registration and was denied?—A. I do not remember any.

Q. Do you know of any Republican women in your part of the county who failed to register?—A. I don't think there is one in our part of the county.

Q. During the week from October 19 to 26, while the board was sitting in Center, did the board go out at night to register women? If so, where did you go?—A. We did go one night to Mr. John Daniels, the former registrar, for some supplies he had, and while there we went to a schoolhouse known as John's, in beat 14, and registered some women, a part of whom were Republicans and a part Democrats.

Q. Did you go anywhere else?—A. We did not.

Q. Did you go over in Pollards Bend during that time for the purpose of registering women?—A. We went over there to spend the night with Mr. Jim Hannah, and the next morning some four or five women came to Mr. Hannah's and we registered them; we did not register any that night.

Q. There was as many as two of the registrars at John's Schoolhouse and Hannah's home that morning, was there not?—A. Yes, sir; there was two of us.

Q. Did the board at any time pass on the application of any person to register when they were not all present or as many as two present?—A. We never passed on anyone except when a majority of the board or all of us was present.

Q. Mr. John Brown, clerk of the circuit court of this county, went out and took a few applications in beat 4 and beat 2 while you all were sitting in Center, didn't he?—A. He did.

Q. Before going out did he discuss the matter of his going before the board and receive instructions from them in regard to this matter?—A. He did.

Q. Did the board agree when he went out for him to go there and take these applications and return them to the board?—A. We agreed.

Q. After receiving these applications, what action, if any, did the board take upon them?—A. We took and considered same and issued certificates on the applications.

Q. Every person that applied for registration in this county signed a written application?—A. Yes, sir.

Q. Were each of those applications considered separately by the board before a registration certificate was issued on them?—A. They were.

Q. Mr. Brown didn't register anybody or issue certificates to anyone?—A. No, sir; he did not.

Cross-examination:

Q. On what date was the board of registrars appointed?—A. I don't remember the date; it was 8 or 10 days before we could get the supplies.

Q. The supplies consisted of printed application blanks and registration certificates?—A. Yes, sir.

Q. Is Sand Rock a Democratic or Republican beat?—A. I think Sand Rock is a Democratic beat.

Q. Is Gaylesville a Democratic or Republican beat?—A. It is Democratic.

Q. Is Broomtown a Democratic or Republican beat?—A. I think it went Republican this time.

Q. Before the last election has it not been considered a Democratic beat?—A. I think probably it has.

Q. Is Spring Garden Democratic or Republican?—A. I do not know.

(Contestant offers copy of newspaper clipping headed "Official vote for Cherokee County, November 2, 1920. Spring Garden, precinct No. 4, C. B. Kennamer 31, L. B. Rainey 78.")

Q. Any other person other than Mr. Brown bring in applications?—A. I do not remember if they did.

Q. Did any of the persons the application of whom Mr. Brown brought in come before the board in person?—A. I think they did; some of them called for their certificate.

Q. How did you get the certificates to them that did not call for them?—A. I think we mailed them.

Q. Did any of the members of the board bring in applications?—A. I think so.

Q. In your judgment, about how many applications were received from people that never came before the board?—A. Probably not over 50; maybe 60 or 75.

Q. You would not say that all the Republican women in Cherokee County registered?—A. I do not think there was 10 but what registered.

Q. Is Mrs. Evaline Young reputed to be a Democrat or a Republican?—A. I do not know what she was; I never did ask.

Q. Did a Mr. Ellis bring in some applications?—A. I don't recollect of Mr. Ellis bringing in any applications.

Q. Mr. Brown is a Democrat, is he not?—A. I do not know; I suppose.

Q. Don't you know that he was elected clerk of the circuit court on the Democratic ticket?—A. I think so.

Q. Do you remember how many people you registered at John's Schoolhouse?—

A. We registered some 15 or 20; maybe more; I don't remember exactly.

Q. About how many did you register at Mr. Hannah's, in Pollards Bend?—A. There was some 4 or 5.

Q. Did the board sit at the courthouse in Center from the 19th to 26th, inclusive?—A. Yes; we stayed here the time required by law.

Q. All three of the registrars were Democrats, were they not?—A. Yes, sir.

Redirect examination:

Q. Was it possible for the board to have visited each voting precinct in the county after receipt of the supplies and before the 19th day of October, when they were required to sit at the county seat?—A. It was not.

Q. Did the board make all the appointments possible after the receipt of the supplies and before the 19th of October?—A. We did.

Q. Did the board have any rules or regulations as to how it would receive applications?—A. We had an agreement.

Q. What was the agreement?—A. The agreement was that to register all the people and that we would take the applications, but before certificate was issued we must be together and pass on the applications.

Q. With reference to the 50 or 75 who you say were registered and did not appear before the board, what rules or regulations did the board have as to these applications?—A. They had this: In order to get those people that were old and invalids we would take the applications and pass on them by a majority of the board.

GILES L. McCULLOUGH.

JOE W. BAKER, being called, testified as follows:

Q. Where do you reside?—A. Center, Ala.

Q. Are you engaged in business in Center, Ala.?—A. Yes, sir.

Q. How near the courthouse of Cherokee County is your business situated?—A. Just across the street from the courthouse.

Q. Were you at your place of business during the week of October 19 to 26, while the registrars were sitting at the courthouse?—A. Yes, sir.

Q. You know whether or not the Republican Party had taxicabs hired during this time for the purpose of bringing women to the courthouse to register?—A. Some three or four taxi men were running during that week, and my information is that they were used for that purpose.

Q. Who were operating cars?—A. W. F. Woodall, B. A. Brooks, and Steve Doegg.

Q. Do you know who was paying them for their services?—A. I do not know as I did.

Q. What did the taxicab drivers say about who was paying them for their services?

(Objections.)

A. They said Mr. Kennamer was paying them.

Q. Do you know of any hired cars being operated in the interest of the Democrats during that week?—A. No, sir.

Q. You have held office in this county and are now an officeholder?—A. Yes, sir; have held the office of clerk of the circuit court and am now a member of the county board of education.

Q. Are you familiar with the county's politics?—A. I am.

Q. You have a pretty wide acquaintance in the county?—A. I do.

Q. Do you know of any Republican women in the county who failed to register?—A. I do not.

Q. I will ask you to state whether or not, in your judgment, all the Republican women in the county registered?—A. In my opinion, they all registered that would or will.

Q. I will ask you to state, in your judgment, that if all the Democratic women in the county registered?—A. I don't think so.

Q. You have been a candidate before the people in this county in elections for the past 8 or 10 years, have you not?—A. I have.

Q. About what number of voters has there been in this county during the last 10 or 12 years, of all parties, prior to the enfranchisement of the women voters?—A. An average of 1,900; it might run over that a little bit.

Cross-examination :

Q. Did you see any cars during the registration at the courthouse bringing in Democratic women?—A. Yes, sir; but not taxi.

Q. Did you see the same car make more than one trip with Democratic women?—A. No, sir; I do not remember a car making more than one trip.

Q. Can you name any Democratic women that did not register?—A. I could not without looking over the list.

Q. Did you bring any applications to the registrars to have them registered?—A. Not a one.

Redirect examination :

Q. State whether or not Woodall, Brooks, and Doegg operated their taxis here on election day, bringing in the Republican women to vote, and were in the employment of Mr. Kennamer or some one representing the Republican Party.—A. My recollection is that Mr. Brooks was out of town on election day and was not here, but the other two did.

JOE W. BAKER.

J. T. PRICE, being called, testified as follows :

Q. In what precinct in Cherokee County do you reside?—A. Precinct 1.

Q. You were returning officer at the election held at Howels, in this beat, last November, were you not?—A. I was.

Q. Were the election officers at that box sworn before the election or at any time during that day?—A. They were not.

Q. Do you know Mrs. Evaline Young, who resides in that beat?—A. I do.

Q. How long have you known her?—A. All my life.

Q. How old are you?—A. Will be 42 the 18th of the coming July.

Q. Did you ever know or hear of her being a widow of a Federal soldier?—A. No, sir.

Q. What has been her reputation in that community, since you first knew her, as whether she was ever married?—A. She never was married, as I knew and what I have heard people say.

Q. She was the mother of two children, was she not?—A. Yes, sir.

Q. Since you have known her, has it been generally known and regarded in that community that these children were legitimate or illegitimate?

(Objection.)

A. Illegitimate.

Q. Do you know her general character in that community, since you first knew her, how she is regarded and what people said about her?—A. Yes.

Q. Is it good or bad?—A. Right at the present I might say it was good, but as it comes on up I would say it was bad.

Q. State whether or not, when you first knew her, that she was known as a common prostitute?—A. Yes.

Cross-examination :

Q. Did she vote in the election?—A. No, sir.

Q. About what age lady is she?—A. I suppose she would be 60 years old.

J. T. PRICE.

J. A. STONE, being called as a witness, testified as follows :

Q. Where do you reside?—A. Beat 12, this county.

Q. Do you know Mrs. Evaline Young?—A. Yes, sir.

Q. How long have you known her?—A. Twenty-six or twenty-seven years, or perhaps longer.

Q. Did she live near you a greater part of this time since you have known her?—A. When she first came in there she lived in 200 yards of me.

Q. Did you ever know or hear of her being the widow of a Federal soldier?—A. No, sir.

Q. You was postmaster and engaged in general merchandising in the community where she lived for many years, were you not?—A. Yes.

Q. Do you know her general character in the community in which she has lived since you first knew her?—A. Yes.

Q. Was it good or bad?—A. It was bad.

Q. Did you know her reputation for chastity when you first knew her?

(Objection.)

A. Yes.

Q. Was it good or bad?—A. It was tough.

Cross-examination:

Q. You did not know her in time of the Civil War?—A. No, sir.

Q. It was something like 20 years after the Civil War before you got acquainted with her?—A. Something like that.

Q. Where did she come from to that community?—A. She came from the coal-mining grounds in Floyd County, Ga., near Min Hennett's still.

Q. Did you know her when she lived there?—A. I did not know her when she lived there.

Q. Has she ever been convicted of any crime?—A. Not that I know of.

Q. About how old would you say she was?—A. I would say she was 65 or 70 years old.

Q. Has she any property?—A. None that I know of.

Q. Can she read and write?—A. I don't think she can.

J. A. STONE.

WASH MITCHELL, being called as a witness, testified as follows:

Q. In what precinct in Cherokee County do you reside?—A. In beat 11, Sand Rock.

Q. You are one of the registrars of Cherokee County, are you not?—A. Yes.

Q. You know Mr. Arthur Bobo?—A. Yes.

Q. You remember his meeting up with you and Mr. McCullough, another one of the registrars, with four ladies in an automobile, bringing them here to Center to register?—A. I do.

Q. Where did you meet up with them?—A. At Round Mountain.

Q. Do you recall who the ladies were that he had in the automobile?—A. I do three; I am not certain about the fourth one.

Q. Who were the three that you remember?—A. Mrs. M. K. Beck, Mrs. Lula Kirk, and Mrs. Arva Crawford, and I think the other one was a Mrs. Yarbrough.

Q. What did you do with reference to taking their applications and registering them there?—A. I took their applications, brought their applications to Center, and the board passed on them, and I delivered their certificates later.

Q. Do these ladies live near you?—A. They live in the same beat.

Q. Do you know their politics?—A. I do.

Q. What is their politics?—A. Republican and Socialists.

Q. How far is Sand Rock from Center?—A. Eleven and one-half miles.

Q. You were with the board at their appointments, at Sand Rock, Gaylesville, Broomtown, and Spring Garden?—A. Yes.

Q. Did the board give as wide publicity to these appointments as was possible under the circumstances?—A. They did.

Q. Was the opportunity to register denied to anyone on account of political affiliation?—A. It was not.

Q. You remember going over in Pollards Bend with Mr. McCullough one night between the 19th and 26th of October?—A. I did.

Q. Do you know Mr. T. J. Kennamer?—A. I met him during the campaign.

Q. Did you have a conversation with him that afternoon before leaving town?—A. I did.

Q. State as best you can just what that conversation was.—A. He asked me if we were going to have any appointments out, other than at the courthouse; if he was, he would like to know where and when, so that Mr. Watts could get the Republicans there to register. I told him that I would let him know, but that I did not think that we would have any appointments.

Q. Did you have any appointments for registration other than at the courthouse after that?—A. We did not.

Q. Did you all go to Pollards Bend for the purpose of registering voters?—A. We did not; only to spend the night with a friend.

Q. Is Pollards Bend a Democratic or Republican community?—A. Democratic, about 95 per cent.

Q. Beat 9 adjoins the beat in which is located the county seat, does it not?—A. It does.

Q. How far is it from the courthouse to the line of beat 9?—A. One mile.

Q. Was you present at Sand Rock on the day of the election last November?—A. I was.

Q. You know Mr. W. M. Brock?—A. I do.

Q. He was the nominee of the Republican Party for tax collector in the election held on November 2, 1920, was he not?—A. He was.

Q. Did Mr. Brock take part in holding the election at Sand Rock that day?—A. He did; as a marker.

Q. For what political party was he a marker?—A. Republican, I suppose, he being a nominee of that party.

Q. Did he remain in the polls all day marking tickets?—A. I was not there all day; he was there three or four hours that I know of; probably stayed there all day.

Q. Did the board of registrars deny to anyone the right to register on account of political affiliation?—A. We did not.

Q. The board registered every woman who appeared before them with one exception, didn't it?—A. That is my recollection.

Q. You recall any other woman than Mrs. Evaline Young who made application to register and was refused?—A. I do not.

Q. Mrs. Young could neither read nor write, nor was she the owner of \$300 worth of property, was she?—A. When she first appeared, she said she could not read or write, and did not own any property; she appeared again in about three days and said she owned two mules and had given them in to the tax assessor for \$315, and thought she ought to be entitled to register for that reason.

Q. Did she take any appeal from the decision of the board?—A. She did not.

Q. Did you or any other member of the board, so far as you know, at the time you refused to permit her to register, know to what political party she belonged or desired to be affiliated with?—A. I did not, and, so far as I know, the other members did not.

Q. I will ask you to state, in your judgment, if all the women in the county who would have voted the Republican ticket registered before the election in November.—A. I think they must have.

Q. Do you know of any women that would have voted the Republican ticket who did not register?—A. I do not.

Q. Do you know whether or not the Republican Party operated taxis in bringing the Republican women to Center to register during the time the board was in session here from the 19th to 26th of October?—A. I do not know anything about them being hired, but the same three were operated all the time, and were directed by the Republican leaders.

Q. What three do you refer to?—A. Ben Brooks, Woodall, and Doegg.

Q. What, if any, agreement or rule was made by the board of registrars regarding the receipt of applications for registration from those who were unable to appear in person before the board?—A. It was like this: We had the understanding to make it convenient for everyone, regardless of the political party, to register, and where it was impossible for them to come before the board the applications were sent in and had to be passed on by a majority of the board.

Q. The board had a signed application from each and every person applying for registration, which showed the qualification of such person according to the provisions of the statute, before anyone was registered, did it not?—A. Yes.

Q. And no one was registered who had not first filed with the board one of these written applications, was there?—A. No one was registered until they had filed it.

Cross-examination:

Q. In what way did you advertise that the board would be at the several places in the county that you have named?—A. By the Coosa River News, by telephone, by writing letters to different parties in the beats.

Q. Is the Coosa River News a weekly or daily paper?—A. It is a weekly.

Q. On what day of the week is it published?—A. Thursday, I think.

Q. On what date did you go to Sand Rock?—A. On Thursday, the 14th day of October.

Q. That was on the same date that the Coosa River News was published, was it not?—A. Yes.

Q. Had that issue of the Coosa River News preceded you to Sand Rock before the registration?—A. It had not.

Q. Did you give any notice that you would register voters at John's School-house?—A. I did not; it was generally understood up there that we was going.

Q. Did Sand Rock precinct go for Rainey or Kennamer?—A. It went for Rainey.

Q. Did you take any other application other than the four ladies named in your direct testimony outside of your sittings?—A. I did.

Q. In your judgment, about how many?—A. My recollection is that I took 65, including the 4.

Q. Where did you take them?—A. I took them at Round Mountain on the same day that I took the 4.

Q. How did the board get the certificates to those that registered that way?—A. I took them back over there and delivered them after the board had issued them.

Q. Did anyone else bring in any applications to the board?—A. my recollection is that John Brown brought in some, 4, 5, or 6. There were some others; Mr. Starkey's wife was sick and he brought in her application, and we issued 3 or 4 in that way.

Q. Did Mr. Ellis or Mr. Daniel bring in any applications?—A. I do not remember about either one of them bringing in any applications.

Q. None of the persons from whom applications was received at any time before they were registered appeared before in person before a majority of the board, did they? That is, those that you say were brought in by you and others?—A. As to those at Round Mountain, Mr. McCullough was there with me a part of the time; we saw that we could not get all these applications of those that were there, and Mr. McCullough left me and came on to the courthouse, and I finished taking the applications there. As to the others, they did not come before the board; that is, those Mr. Brown brought in and Mr. Starkey and three or four others.

Q. At the time you took these 65 applications you spoke of at Round Mountain was that between the 19th and 26th of October?—A. It was.

Q. Was Mrs. Evaline Young the only woman in Cherokee County that came before the board that could not read or write and did not have \$300 worth of property?

(Objection.)

A. Only one other, that learned to read and write in two or three days when she came back.

Redirect examination:

Q. Was you in Center on the day that the registration supplies were received from the secretary of state?—A. I was.

Q. How long was that before you went to Sand Rock?—A. It was the day before.

Q. You know Mr. G. W. Palmer and M. A. S. Brock?—A. Yes.

Q. Were they in Center the day the supplies were received?—A. They were.

Q. Mr. Palmer was chairman of the Republican executive committee in this county at that time, was he not?—A. Yes.

Q. Did you notify him of your appointment at Sand Rock, Gaylesville, Broomtown, and Spring Garden that day?—A. I did.

Q. Did you request Mr. Palmer to assist the registrars in advertising and making known the dates of these appointments?—A. I did.

Q. Who was present when you told Mr. Palmer about these appointments?—A. A. F. Brock, a Mr. Franklin, and Mr. Palmer.

Q. Did they, or any of them, make any note or memorandum of these appointments?—A. They did.

Q. What did they do in this regard?—A. Mr. Brock made a note in Mr. Franklin's daybook of the time and places of registration. Mr. Palmer said that he would see that it was well advertised in that end of the county and would go back home and get his folks out to Gaylesville.

Q. You say Mr. McCullough and you were together at Round Mountain when the crowd of 65, was they desiring to register?—A. We were.

Q. He and you agreed, then, that you would remain at Round Mountain and permit these applicants to sign applications, and that Mr. McCullough would come on to Center and join the other registrar here at the courthouse, so that the registration might proceed here, did you not?—A. Yes.

Q. After securing the signatures to these 65 applications, what did you do with them?—A. Brought to Center before the board.

Q. Were these applications considered and passed upon by the whole board before certificates were issued to them?—A. They were.

Q. Were you or not personally acquainted with all, or practically all, of these 65 persons whose applications you took at Round Mountain?—A. I knew every one of them personally.

Q. Were they or a majority of them Democrats or Republicans?—A. My opinion is that a majority of them were Republicans.

Q. You knew that quite a number of them were Republicans, did you not?—A. I did.

Recross-examination :

Q. Round Mountain precinct went overwhelmingly for Capt. Rainey, did it not?—A. Rainey 117. Kennamer 59.

W. L. MITCHELL.

W. W. WARD, being called as a witness, testified as follows :

It is agreed here by attorneys representing contestant and contestee that Mr. Ward, who is one of the registrars of Cherokee County, would testify substantially to the same facts as testified to by G. L. McCullough and Wash Mitchell, the other two members of the board, who have this day testified before the commissioner on this hearing, and whose testimony is hereinbefore set out and subscribed by each of them.

Q. Mr. Ward, you are a civil engineer or surveyor, are you not?—A. I am.

Q. You have been county surveyor of Cherokee County, Ala., for a number of years, have you not?—A. I have.

Q. Are you or not familiar with the boundaries of Cherokee County, Ala.?—A. I am.

Q. Have you ever made a map or plat of Cherokee County?—A. I have.

Q. I show you here a map; was this map made by you?—A. Yes.

Q. Is the location of Sand Rock, Gaylesville, Broomtown, Spring Garden, and Center correctly shown thereon?—A. They are.

Contestee hereto attached Exhibit A, the map inquired about.

Q. Center is the county seat of Cherokee County, is it not?—A. Yes.

W. W. WARD.

(Exhibit A to testimony of W. W. Ward, map of Cherokee County, Ala., omitted in printing.)

S. J. GARRETT, being called as a witness, testified as follows :

Q. Where do you reside, Mr. Garrett?—A. One mile south of Center, Ala.

Q. Have you ever held any office in Cherokee County; if so, what and for how long a time?—A. Yes; tax assessor for eight years.

Q. You were born and raised in Cherokee County?—A. I was.

Q. Are you reasonably familiar with politics and people of Cherokee and reasonably well acquainted with the people of Cherokee County?—A. I am.

Q. About what is the usual male vote of Cherokee County of all parties?—A. About 1,800 to 2,000 votes.

Q. I will ask you to state whether or not approximately all the Republican women in this county registered prior to the election held on November 2, 1920.—A. Judging from the effort that was made they did.

Q. Do you know of any activities on the part of the Republican Party to secure the registration of all the women favorable to their policies during the period of the registration in October, 1920? If so, state what you observed.—A. I do. I was here in town most every day, and there was three cars running regular bringing the Republican women to courthouse to register.

Q. From your acquaintance of the citizenship of the county state whether or not you observed women from almost every community in the county here during this time, a great many of whom were brought here by the cars you mentioned.—A. I did.

Q. Upon whose part did you observe the most activity in the endeavor to register the women, the Democrats or the Republicans?—A. The Republicans, decidedly.

Q. Do you know of any automobiles being hired by the Democrats to bring women here to register?—A. No.

S. J. GARRETT.

T. H. SHROPSHIRE, being called as a witness, testified as follows :

Q. Where do you reside?—A. Center, Cherokee County, Ala.

Q. In what business are you engaged?—A. Publisher of the Coosa River News, a weekly newspaper published at Center, Ala.

Q. What if any notice did you give, or what publications were made in your newspaper relative to the registration of voters in October, 1920?—

A. Reg'strars' notices. Nonpartisan Woman's League of Alabama appeals. Senator Nance's appeal and editorial commendation of same. The Nonpartisan League appeals were carried as a feature in my issues of October 15 and 22. The registration notice was carried in my issues of October 15 and 22. A copy of these notes is hereto attached as Exhibit A to my testimony.

Q. Did you publish the tabulated official returns of Cherokee County of the election held on November 2, 1920?—A. I did; and hereto attach as Exhibit B to my testimony a copy of this publication.

A. Are you familiar with the usual male vote of Cherokee County, Ala., for the last 16 or 18 years?—A. I am.

Q. State the usual male vote in the general elections for this period?—A. The general average is about 1,600.

Q. Can you give figures; if so, please state them?—A. In 1904 the largest vote polled in the general election was 1,751 votes. Mr. W. M. Watts, who testified for contestant, was a candidate in that election and he received 542 votes, while the Democratic candidate received 1,109 votes. In 1906 Kennamer (Republican) received 240 votes to Burnett (Democrat), 1,042 votes. They were candidates for Congress. In the congressional race of 1908 Burnett (Democrat) received 905 to Freeman (Republican), 440 votes. In 1910 Burnett (Democrat), 1,007; Howards (Republican), 859. I do not have the figures for 1912. In 1914 Burnett (Democrat), 758 to T. H. Stephens (Republican), 525. In 1916 Burnett (Democrat), 1,180; Davidson (Republican), 480. In 1918 Burnett (Democrat), 901; O. D. Street (Republican), 260. In special election September 30, 1919, Rainey (Democrat), 914; Kennamer (Republican), 630.

Q. From your knowledge of the political situation in this county, state whether or not, in your opinion, all the women who would have voted the Republican ticket in the county registered during last October?—A. My opinion is that all the Republican women registered.

Q. Are you familiar with the political situation of Pollards Bend, or beat 9; if so, state whether it is Republican or Democratic.—A. I do; and it is overwhelmingly and consistently Democratic.

T. H. SHROPSHIRE.

EXHIBIT A TO THE TESTIMONY OF T. H. SHROPSHIRE.

ALABAMA WOMEN NOW ENTITLED TO VOTE—SHOULD REGISTER IMMEDIATELY— INSTRUCTIONS TO FOLLOW.

WOMEN VOTERS OF ALABAMA.

You should not fail to register! You should not fail to vote! You owe it to your State! You owe it to yourself!

The Federal suffrage amendment, which passed Congress in June, 1919, has been ratified by thirty-seven States and thus becomes a part of the Constitution of the United States. Under its terms "the right of citizens of the United States to vote shall not be denied or abridged on account of sex."

Thus automatically the qualified women of all the States of the Union are enfranchised. The amendment having been ratified by the necessary three-fourths of the States becomes in this way the law for Alabama as well as for all the other States. It supercedes and sweeps aside any State laws that prohibit women from voting. It strikes the word "male" out of the constitution of the State of Alabama, and all Alabama women who are otherwise qualified now possess the right to the ballot.

WOMEN, REGISTER TO VOTE!

Women of Alabama, you may now vote. The privilege of the franchise is yours, but in order to exercise it you must *first register*. A special session of the legislature has just been held in order to provide machinery for the registration of the newly enfranchised women. This should have been done at the regular session in 1919; in fact, bills providing for registering the women in case of the ratification of the suffrage amendment were introduced, but the legislators, the majority of whom were opposed to giving the vote to women, did not foresee the early ratification of the amendment, and hence refused to pass these enabling laws. If they had at that time listened to the pleas of the suffrage sympathizers in the house and senate, no extra session would have been necessary, and the State would have been saved an expense of approximately \$50,000.

NECESSARY QUALIFICATIONS.

Under the registration bill, passed last week by the special session of the legislature, the qualifications of women are the same as those for men, as follows:

1st. A woman must be 21 years of age or over.

2d. A woman must have lived in the State at least two years, in the county at least one year, and in the precinct or beat at least ninety days.

3d. A woman must be able to read and write, or must pay taxes on property assessed at \$300.

Any woman who possesses the above qualifications may register between now and October 26th and vote in the general election on November 2d, and in all local elections.

WHAT ABOUT THE POLL TAX?

All women in Alabama between 21 and 45 years of age who wish to vote in future must pay a poll tax of \$1.50 per year. This money goes to help support the public schools in which women are most vitally interested. This tax became due on October 1st and will become delinquent on February 1st. It is desirable that every woman voter pay her poll tax as soon as possible. She must pay it to the county tax collector. However, she cannot be kept from voting on November 2d because she has not paid it. If she has not paid her poll tax by February, 1921, her name will be dropped from the voting list and she will not be allowed to vote after that time until she has paid it. However, it is certain that every loyal and law-abiding woman voter between 21 and 45 will be glad to pay her poll tax for the support of the public schools and will do so before February, 1921.

WHERE AND HOW TO REGISTER.

The governor will appoint registrars for each county in the State. These registrars will sit at the county courthouse (or some other designated place) from now until October 26th. You must go before the registrars and register, and they will issue you a certificate which will entitle you to vote. You must vote at the same place where the men of your family, your husband or brother or father, vote.

IT IS YOUR DUTY TO VOTE.

Women of Alabama, remember that the ballot is a *privilege*, since it represents a greater measure of freedom than ever enjoyed before by women; that it is a *duty*, since the vote was given that you might aid in the great work of lawmaking and building up the State; that it is a *benefit*, since you who vote attain a definite rank as citizens in return for the service rendered by the casting of your ballots.

Vote for your homes and for your children. Vote honestly, vote intelligently, vote independently for the most honest, the most able, the most upright candidates.

REGISTER—VOTE.

This message is from

THE ALABAMA LEAGUE OF WOMEN VOTERS.

1818 Second Avenue, Birmingham, Ala.

Write for literature and information.

REGISTRATION NOTICE.

For the purpose of registering all voters who have become qualified since January 5th, 1920, we, the undersigned board of registrars, will be at Spring Garden on October 18th, and courthouse in Center from October 19th to and including October 26th.

G. G. McCULLOUGH.

W. W. WARD.

W. L. MITCHELL.

MARCH 16, 1921.

C. B. SIMS, *Commissioner*.

EXHIBIT B TO TESTIMONY OF T. H. SHROPSHIRE.

Official vote, Cherokee Co., Nov. 2, 1920.

Beats.	Congress, 7th dist.		Tax assess.		Tax collect.		Co. board education.			Commis., 1st. dist.	
	C. B. Kennamer.	L. B. Rainey.	A. E. McCurry.	J. H. Scroggin.	W. M. Brock.	A. B. Miller.	Joe W. Baker.	John F. Green.	L. W. Watts.	C. M. Baldwin.	E. V. Ellis.
Mud Creek.....	1	31	26	31	26	31	26	26	31	.....	.....
Howel's.....	1½	157	39	156	41	154	39	39	154	.....	.....
Forney.....	2	81	47	59	69	59	58	46	62	70	67
Rock Run.....	2½	56	30	49	41	45	39	38	38	00	47
Tecumseh.....	3	2	18	1	20	1	20	18	19	2	3
Rock Run Station.....	3½	7	14	7	14	7	14	14	13	6	6
Spring Garden.....	4	31	78	28	77	29	78	75	75	26	26
Pleasant Gap.....	4½	41	14	49	15	40	14	15	15	40	40
Key.....	5	144	45	122	66	126	60	63	88	117	123
Center.....	6	226	370	215	383	213	383	377	379	215	.....
Coloma.....	7	27	39	20	46	19	45	42	48	23	14
Goshen.....	7½	22	24	15	33	11	36	33	33	11	12
Farrar.....	8	13	70	13	70	13	70	70	70	13	.....
Plano.....	3½	40	34	38	35	39	35	37	38	35	.....
Dixon Shop.....	9	26	125	26	125	26	125	125	125	26	.....
Round Mountain.....	10	59	117	52	124	51	126	121	120	1	.....
Sand Rock.....	11	51	65	51	65	53	66	65	65	54	.....
Cedar Bluff.....	12	118	118	112	123	112	126	119	123	112	.....
Gaylesville.....	13	24	99	22	101	21	101	100	79	22	.....
Waterloo.....	14	33	96	26	101	23	104	95	96	25	.....
Hurley.....	14½	41	36	31	44	31	46	44	44	30	.....
Broomtown.....	15	64	65	41	85	41	86	69	69	49	.....
Paden.....	16	34	70	32	72	35	73	70	70	34	.....
Cedar Springs.....	17	20	70	18	72	19	71	69	69	19	.....
Farill.....	18	17	43	16	43	16	44	44	44	16	.....
Stafford.....	19	37	7	24	19	34	11	12	12	28	.....
Ellis.....	20	69	39	43	66	47	45	63	63	35	23
Lewis.....	21	27	100	25	101	25	101	101	101	25	.....
Leesburg.....	22	9	97	8	99	9	98	96	96	8	.....
Tucker.....	23	30	17	30	17	30	17	16	16	30	.....
Mount Pleasant.....	24	9	12	8	13	8	13	12	12	8	.....
Jennings.....	24½	00	*10	00	10	00	10	10	10	00	.....
Totals.....	1,546	1,985	1,319	2,216	1,368	2,179	2,117	2,154	1,165	361	468

* Ten votes were cast for Rainey in 24½, but were not properly certified, and thus are not official. (Official plurality 429; actual plurality, 439.) Meadows, Socialist, received 23 votes for Congress.

March 16, 1921.

C. B. SIMS, *Commissioner*.

JIM KING, being called as a witness, testified as follows:

Q. Where do you reside?—A. Near Center, Ala., in beat 6.

Q. State whether or not you were in Center frequently between the 19th and 26th of October, 1920?—A. I was here frequently.

Q. Do you know of the Republicans having in their employment certain taxis or automobiles, which were operated for the purpose of bringing the women here during that time to register?—A. I do.

Q. State what you know about this.—A. Steve Doeg and Will Woodall, who operated two of the taxis, told me that they were being paid by Mr. Kennamer, a brother of the Republican candidate for Congress.

Q. You also at that time operated a taxi, did you not?—A. Yes.

Q. State whether or not some one representing the Republican Party offered to engage you and your taxi?—A. They did; they offered to employ me for a week.

Q. Who tried to employ you, and what did they offer to pay you?—A. Mr. W. M. Watts; he offered to pay me \$60 for the use of my car for a week. He wanted me to keep it here in Center so that they could use it any way they wanted.

Q. Was W. M. Watts a Republican, and was he taking an interest in the Republican campaign here in the county prior to the election?—A. Yes, sir.

Q. Did you or not see any money change hands here in Center between any of the Republicans who were connected with the campaign prior to the election in November?—A. One day during the week prior to the election I saw Tom Kennamer, a brother of the Republican candidate for Congress, hand G. W. Palmer a \$20 bill; this was here in Center. My understanding is that Mr. G. W. Palmer is the chairman of the Republican executive committee for this county.

JIM KING.

STATE OF ALABAMA, *County of Cherokee*:

I, C. B. Sims, a notary public in and for said State and county, and duly authorized by L. B. Rainey, contestee, to take depositions of witnesses in his behalf, wherein C. B. Kennamer, contestant, is contesting the certified election of L. B. Rainey, contestee, to the Sixty-seventh Congress of the United States of America from the seventh congressional district of Alabama, said election in said district having been held on the 2d day of November, 1920, hereby certify that I have caused to come before me at the time and places mentioned in the notice attached to the depositions, for the purpose of giving evidence in behalf of L. B. Rainey, contestee, the following witnesses, to wit: J. J. Cothran, Giles McCullough, Joe W. Baker, J. T. Price, J. A. Stone, Wash Mitchell, W. W. Ward, S. J. Garrett, T. H. Shropshire, Jim King.

The aforesaid witnesses were sworn to speak the truth, and all relevant questions propounded to them by the contestee and contestant and their answers thereto, as near as may be, were taken down by me in their presence and read over to the witnesses, who signed the same in my presence as their true evidence on said examination. The foregoing record, depositions from 1 to 22 pages, inclusive, with the exhibits thereto attached, contains the depositions of the aforesaid witnesses complete. And I certify that at the examination of each of the aforesaid witnesses counsel for contestant was present and examined, or had the opportunity of examining on cross, said witnesses.

I further certify that I am neither of counsel nor of kin to L. B. Rainey, contestee, or C. B. Kennamer, contestant, and that I have conducted the examination of the aforesaid witnesses fairly and according to law to the best of my ability.

Given under my hand and seal this March 17, 1921.

[SEAL.]

C. B. SIMS.

Notary Public, Commissioner for L. B. Rainey, Contestee.

My commission expires February 15, 1923.

STATE OF ALABAMA, *County of St. Clair*.

Personally appeared before me, Pauline Montgomery, a notary public and duly authorized commissioner to take the depositions of witnesses for and on behalf of L. B. Rainey, contestee, in the contest of the congressional election in seventh congressional district of Alabama, held in said district on the 2d day of November, 1920; the witnesses appearing before me on this the 17th day of March, 1921, at Ashville, Ala., and on the date and place mentioned hereafter, are mentioned in and their names are signed to the following depositions. Said witnesses, after being duly sworn by me to speak the truth, the whole truth, and nothing but the truth, depose and saith as follows, to wit:

Present and representing L. B. Rainey, contestee, the Hon. James A. Embry, attorney, of Ashville, Ala.

Present and representing C. B. Kennamer, contestant, Hon. Charles R. Robinson, of Ashville, Ala.

E. R. COLLINS, being called and duly sworn, testified as follows:

Q. Do you reside in St. Clair County, Ala?—A. I do.

Q. How long have you resided in said county?—A. About 30 years.

Q. Were you a qualified voter and did you vote in the election of November 2, 1920?—A. I did.

Q. What position or office do you hold?—A. Tax adjuster for said county.

Q. Are you familiar with the location of the different precincts of said county, and the location of the different voting places?—A. I am.

Q. What portion of the county is Steele situated?—A. In the northeastern portion.

Q. What is the location of Caldwell in said county?—A. In the middle northern portion.

Q. What position or location is Springville in said county?—A. In the north-western portion of the county.

Q. What position is Odenville in said county?—A. In the west central.

Q. What position is Moody in said county?—A. In the western portion of said county.

Q. What position or location is Easonville in said county?—A. In the south central portion of said county, or near the southeastern border of said county.

Q. What is the location of Coal City in said county?—A. About $2\frac{1}{2}$ miles east of the center.

Q. What position or location is Ragland, Ala.?—A. East central part of the county.

Q. What is the location for the courthouse of the northern division of the county?—A. At Ashville.

Q. Where is the courthouse for the southern division of the county located?—A. At Pell City.

Q. Are the foregoing-named places town or villages?—A. Yes.

Q. Are they or not the most populous towns or villages in the county, and what precincts are they the voting places of?—A. They are the most populous voting places in the county; Steele for precinct No. 6, Caldwell for precinct No. 18, Springville for precinct No. 4, Odenville for box No. 2, precinct No. 3; Moody, box No. 1, precinct No. 17; Easonville for precinct No. 12, Coal City for precinct No. 10, Ragland for precinct No. 9, Ashville for precinct No. 1, Pell City for precinct 15, box 2.

Q. In your judgment, are these places accessible to more people than any other places in the county for the board of registrars to make appointments for October 13 to the 18th, both inclusive, excepting Sunday, October the 17th?—A. They are.

Q. Did you take an active part in getting the women of the county registered during October, 1920?—A. I did.

Q. Did the Democrats generally use energy in getting the women who were supposed to be Democrats registered?—A. They did in certain localities—Pell City, Ashville, and Springville.

Q. Did the Republicans make an energetic effort to get the women who were supposed to be Republicans registered?—A. They did in the foregoing three places.

Q. Please state fully in this subject.—A. Both the Democrats and the Republicans used every effort to interest the women to register and to afford ways and means to accomplish this. At Pell City cars were sent into beats 14, 16, 23, 11, and 20, 19, and 13, 12, and 15. It was generally thought that very few women were not afforded an opportunity of coming to the places of registration.

Q. Did the Republicans have equal facilities, in your judgment, to get their women to the places of registration?—A. They did.

Q. In your judgment of the women of the county, what proportion of the Democratic women who failed to register compared with the Republican women who failed to register?—A. In my judgment, I think more Democratic women failed to register than did Republican women.

Q. Upon what do you base your judgment on this question?—A. I base my judgment upon the fact that the Republicans were more energetic in getting their appeals before the women, setting out the claim that the Democratic registrars were attempting to do their work in strong Democratic precincts to the exclusion of Republican women in outlying precincts. This also had to do with the independent voters throughout the southern portion of the county.

Q. Do you know or did you hear of any discrimination made by the registrars in favor of the Democratic women or were there any unfair means used by the registrars in order to get the Democratic women registered?—A. There was not.

Q. Do you know of any illegal voters registering or have you heard of such?

(Objection to latter part of question by contestant.)

A. I do not.

Q. Do you know of any illegal votes cast in the election of November the 2d, 1920?—A. I do not.

Q. In your judgment, was the registration of the women of the county conducted fairly, and was the election of November the 2d fairly conducted in the county?—A. It was.

Q. In your judgment, did both parties—that is, the Democratic and the Republicans—use their best efforts to get a full vote for their respective party in the election of November the 2d, 1920?—A. They did.

Q. In your judgment, what was the political complexion or the respective voting strength of the Republican and Democratic Parties in precincts 6, 18, 4, 3, 17, 12, 10, 9, 15, and 1 of St. Clair County before September 30, 1919?—A. Beat 6, Republican by a small majority; beat 18, divided between Democrats, Republicans, and Socialists; beat 4, Democratic by a large majority. A small Republican vote; beat 3 I consider Republican, normally; Moody beat 17, Republican; Easonville beat 12, generally divided; Coal City beat 10, largely Republican; Ragland beat 9, Democratic; beat 15, Pell City and Eden, Democratic; Ashville beat 1, an offset.

Cross-examination by Mr. ROBINSON:

Q. What is your politics?—A. Democratic.

Q. Do you hold your office by virtue of election or appointment?—A. By appointment.

Q. By whom were you appointed?—A. By the State tax commission with the approval of the governor.

Q. Are they Democrats or Republicans?—A. Democrats.

Q. Do you remember about the time the nineteenth amendment of the Federal Constitution was adopted and declared effective?—A. I do: about August, the latter part, 1920.

Q. If the governor of Alabama had have called the legislature in extraordinary session and the legislature within the first five days of its session had passed a registration law for women and the governor had immediately approved the same and immediately appointed registrars of the various counties of the State, including St. Clair, would not the registrars had ample and sufficient time to have given reasonable notice to the people of the county and visited every precinct in St. Clair County, Ala., for the purpose of registering voters?

(Objection by contestee.)

A. Taking into consideration the date of the announcement of the final passage of the nineteenth amendment and the transmission of this information to the governor of Alabama and the time necessary for the governor to call the legislature together in extraordinary session and the five days required for the passage of the bill, also the time required by the governor in the appointment of registrars for the 67 counties of the State, St. Clair County being near the bottom of the alphabetical list of the counties, their qualifying and the time necessary for them to assemble and take up their work and for the further time necessary in visiting the 24 precincts of the county, together with the time required of them at the county seat, I would say that the necessary time for all such did not intervene between the date of such final passage and the date on which such election was held, namely, November the 2d, 1920.

Q. If this had have been done could not the registrars have at least given at least one-half day to each precinct in St. Clair County for the purpose of voters?

(Objection by the contestee.)

A. In my opinion it is not probable.

Q. Are precincts Nos. 22, 7, 5, 23, 14, 13, and 21 Democratic or Republican, in previous elections?—A. They are all Republican.

Q. Did the registrars visit either of these precincts in October, 1920, for the purpose of registering voters?—A. They did not.

Q. A majority of these precincts are some distance from the two court-houses, are they not?—A. They are.

Q. A majority of the supposed Democratic women in this county live in the town and villages or near thereto, do they not?—A. They do.

Q. A majority of the supposed Republican women of this county live in the rural districts in the precincts above enumerated, do they not?—A. Yes.

Q. Do you know whether or not there was any Republican women in these precincts who did not register?—A. I know of none.

Q. How many Democratic women in the county that you know of in your own personal knowledge that failed to register in October, 1920?

A. I know of none except, in beats 12 and 1, where they were in a few cases overlooked by those having their transportation in hand, about 12 or 15 in the two precincts.

Q. The precinct No. 4 visited by the registrars in October, 1920, is the strongest precinct in the county, is it not? And the registrars give one whole day for this precinct for the purpose of registering voters, did they not?—A. They did.

Q. You were not with the registrars at the various places of registrations in October, were you not?—A. I was not.

Q. You were very active in getting the supposed Democratic women registered, were you not?—A. Yes.

Q. Did the registrars register any other voter at any other place other than advertised?

(Objection by contestee.)

A. I have no knowledge of any.

Rebuttal examination by Mr. EMBRY:

Q. Beat 10, Coal City, votes the largest Republican vote of any precinct in the county, does it not?—A. It does.

E. R. COLLINS.

W. S. SLOAN, being called and duly sworn, testified as follows:

Q. Where do you live?—A. Margaret, Ala.

Q. Are you a legal voter of St. Clair County, Ala.?—A. I am.

Q. Were you at Margaret in October, 1920, during the time of the special registration of voters in this county?—A. I was.

Q. In your judgment, which party, the Democratic or the Republican, would have had a majority of the woman voters in Margaret had they all qualified to vote?—A. In my judgment the Republicans would have had the majority.

Q. Was the date for registering at Ashville, Odenville, and Moody generally known at Margaret during October, 1920?—A. It was.

Q. What is the distance from Margaret to Ashville, the most usual route?—A. About 24 miles.

Q. What is the distance from Margaret to Odenville?—A. About 4 miles.

Q. What is the distance from Margaret to Moody?—A. About 9 miles.

Q. Is Margaret in precinct No. 3, St. Clair County?—A. Yes.

Q. Is it a voting place?—A. Margaret is not a voting place.

Q. In your judgment did the Republican women of Margaret have the same opportunity to register in October, 1920, that the Democratic women had?—A. They did.

Q. In your judgment, did more Democratic women register in proportion to the number of Republican women than Republican women registered that lived at Margaret?—A. In my judgment, more Democratic women registered in proportion to the number that lived in Margaret than Republican women registered in proportion to the number that lived in Margaret.

Q. In your judgment, about how many women eligible to register were there living in Margaret in October, 1920?—A. About 100.

Cross-examination by Mr. ROBINSON:

Q. About how many Republican women failed to register that lived at Margaret, in your judgment?—A. Possibly 65 to 70.

Q. About how many Democratic women failed to register, in your judgment?—A. About 20 or 25.

Q. Was there any notice posted at Margaret that the registrars would be at Odenville, Moody, and Ashville for the purpose of registering voters?—A. Not that I know of.

Q. What is your politics?—A. Democratic.

W. S. SLOAN.

GEORGE L. BYERS, being called and sworn, testifies as follows:

Q. Where do you reside?—A. I reside at Springville, Ala.

Q. Do you vote at Springville, beat 4, St. Clair County?—A. I do.

Q. How long have you lived at Springville?—A. About 25 years.

Q. How long have you been a voter of precinct No. 4, of said county?—A. More than 20 years.

Q. Is Springville beat largely Democratic?—A. It is.

Q. Are you pretty well acquainted with the population of beat 17 in said county; that is, the voting population?—A. Fairly well so.

Q. From your knowledge of the voting population of beat 4 and beat 17 in said county, what is the comparative voting strength of beat 4 and beat 17 in said county?—A. In my judgment the voting strength of beat 4 is something like double that of beat 17.

Q. Beat 4 is Springville beat and beat 17 is Moody beat, is it not?—A. It is.

Q. Did all the Democratic women register in Springville beat?—A. They did not.

Q. Did all the Republican women register in Springville beat?—A. I think not.

Q. About how many Democratic women failed to register in beat 4?—A. I can not give an estimate of the number, but I know quite a number did not register.

Q. Did the Republicans use energy in getting their women registered?—A. They did.

Q. Did the Republicans put forth as much energy to get Republican women to register as was used by the Democrats?—A. They did in proportion to the number.

Q. State the most populous sections of the county in the northern portion of the same.—A. In and around Steele, Caldwell, Springville, Odenville, Moody, and Ashville, in my judgment are the most populous sections of the county.

Q. Are these points distributed pretty well over the northern portion of the county?—A. They are.

Q. Do you know of any unfair means or practices used by the registrars in registering in the special registration of October, 1920?—A. I do not.

Q. In your judgment was the registration of October, 1920, in this county fairly and justly conducted?—A. So far as I know, it was.

Q. With what political party do you affiliate?—A. Democratic.

Q. In your judgment, was the election of November 2, 1920, fairly conducted in beat 4?—A. So far as I know it was.

Cross-examination by Mr. ROBINSON:

Q. You were very active in trying to get the Democratic women to register, were you not?—A. I was not very active; I assisted.

Q. Did the registrars give one whole day in precinct No. 4 for the purpose of registering voters?—A. Practically all day.

Q. Did they, or not, register any person after they had adjourned from the place of registering in the town of Springville on the day they registered there?—A. Not that I know of.

Q. Is it not a fact that the registrars, in company with Mr. Ward Forman, John Walker, and yourself, registered people after they had adjourned on the day that they registered in Springville?—A. I have no knowledge of such registration.

Q. Is it not a fact that a majority of the Democratic voters reside near Steele, Ashville, Springville, Odenville, and Caldwell, in the northern part of this county?—A. Taking these points, a majority of the Democratic voters would be in and around them, for the reason that a majority of the voters of the northern portion of the county live in and around these points.

Q. Are precincts Nos. 22, 7, 5, and 21 Democratic or Republican precincts?—A. Beats 22, 7, and 5 are considered Republican beats.

Q. They are considered so by large majority, are they not?—A. They are considered Republican by a good percentage, compared by the numbers of votes cast.

Rebuttal examination:

Q. Beat 22, 5, and 7 are among the smallest voting precincts of the county?—A. They are.

GEO. L. BYERS.

Judge PERKINS McCLENDON, being called and duly sworn, states as follows:

Q. Where do you reside?—A. Ashville, St. Clair County, Ala.

Q. What has been your business, or occupation, for the past eight years?—A. County superintendent of education and probate judge for little more than seven years, or seven and one-half years.

Q. Are you a qualified voter of St. Clair County?—A. I am.

Q. Did you vote in the election of November the 2d, 1920?—A. I did.

Q. With what political party do you affiliate?—A. The Democratic.

Q. Are you acquainted, generally, with the voting places of the various precincts of the county?—A. I am.

Q. Do you know J. Manley Inzer, H. W. Shockley, and O. B. Morris as the board of registers of St. Clair County?—A. I do.

Q. Are they considered men of integrity and uprightness?—A. They are.

Q. To have only five days in which to visit the various precincts of the county other than Ashville and Pell City, at which two places the courthouses of the county are located, for the purpose of registering those qualified to register under the special registration law of Alabama passed at the special session of the legislature, approved October 2, 1920, in your judgment, could the registrars have selected and visited for the purpose of registering those qualified to register within said time, places that would have served more of the people and been more convenient to a greater number than Steele, Caldwell, Springville, Odenville, Moody, Easonville, Coad City, and Ragland?—A. They could not.

Q. Do you know of any unfair method or practices resorted to by the registrars of this county in the performance of their duties as such during the registration in October, 1920?—A. I do not.

Q. In your judgment, was the registration conducted fairly and to the best judgment of said registrars?—A. Yes.

Q. Normally, how do the following beats vote politically: Beat 6, beat 18, beat 4, beat 3, beat 17, beat 12, beat 10, beat 9?—A. Beat 6, Democratic, small majority; beat 18, Republican majority; beat 4, Democratic, large majority; beat 3, generally close; beat 17, generally close; beat 12, Republican; beat 10, large majority, Republican; beat 9, safe majority, Democratic.

Q. Are the beats named above other than beat 15 and beat 1, in which the two courthouses are located, the largest voting precincts in the county?—A. They are.

Q. Do you know of any unfair methods or practices used in the November the 2d, 1920, election in this county?—A. I do not.

Q. In your judgment, did not both the Republicans and Democrats use just about all the energy they could in getting the women of their respective parties registered in October, 1920?—A. They did.

Q. Were the facilities of the two parties for getting their women registered in October, 1920, about equal?—A. They were. Both did all they could.

Cross-examination by Mr. ROBINSON:

Q. How many voting precincts in this county?—A. Twenty-four.

Q. Are not precincts Nos. 22, 7, 5, 23, 14, 13, and 21 normally Republican precincts?—A. They are.

Q. Did the registrars visit either of these precincts on October, 1920, for the purpose of registering voters?—A. My information is they did not.

Q. A large majority of the Democratic votes of this county is in and near Steele, Ashville, Springville, Odenville, Ragland, Riverside, and Pell City, are they not?—A. Yes; and also a large majority of the Republican votes of the county.

Q. A larger per cent of the normal Republican votes of this county is in the rural districts of this county, is it not?—A. The majority of both parties live in the rural districts.

Q. Do you remember about the time the nineteenth amendment to the Federal Constitution was adopted and declared effective?—A. The latter part of August, 1920.

Q. If the governor of Alabama, after the adoption of the nineteenth amendment of the Federal Constitution, had have immediately called the legislature in extraordinary session, and the legislature had have within the first five days of its session passed a registration law permitting women to register, and he had immediately approved the same and appointed registers for this county, could not the registrars have given reasonable notice and visited each precinct in this county for the purpose of registering voters, at least one-half day in each precinct in the county?

(Contestee objects.)

A. Yes.

Rebuttal examination by contestee:

Q. Precincts numbered 8, 2, 16, and 19 are normally Democratic in this county, are they not?—A. They are.

Q. Precincts 22, 7, 5, 23, and 14 and 21 and 13 vote a comparatively small vote, do they not?—A. Yes.

PERKINS MCCLENDON.

(By agreement the examination of witnesses is hereby closed for this day, to be resumed at the same place to-morrow morning at 9 o'clock, March 18, 1921.

This March 17, 1921.)

EXHIBIT A.

REGISTRATION NOTICE.

We will be at the following places for the purpose of registering all voters who have become qualified since January 5, 1920.

J. MANLY INZER.
H. W. SHOCKLEY.
O. B. MORRIS.

Steele, beat 6, October 13, 8 to 12 a. m.
Caldwell, beat 18, October 13, 2 to 5 p. m.
Springville, beat 4, October 14, 8 a. m. to 5 p. m.
Odenville, beat 3, October 15, 8 to 12 a. m.
Moody's, beat 17, October 15, 2 to 5 p. m.
Easonville, beat 12, October 16, 8 to 12 a. m.
Coal City, beat 10, October 16, 2 to 5 p. m.
Ragland, beat 9, October 18, 8 to 12 a. m.
Riverside, beat 20, October 18, 2 to 5 p. m.
Pell City courthouse, beat 15, October 19, 20, 21, 8 a. m. to 5 p. m.
Ashville courthouse, beat 1, October 22, 23, 25, 26, 8 a. m. to 5 p. m.

MARCH 18, 1921.

The examination of the witnesses is now resumed at the office of James A. Embry, at 9 o'clock a. m., in Ashville, Ala. Present and representing C. B. Kennamer, contestant, Hon. C. R. Robinson, and James A. Embry, representing L. B. Rainey, the contestee.

J. MANLEY INZER, being called and first duly sworn, testifies as follows:

Q. Mr. Inzer, where do you reside?—A. At Ashville, Ala.

Q. Were you a qualified elector in the State of Alabama and St. Clair County prior to the November 2, 1920, election?—A. I was.

Q. How long have you been a qualified elector of St. Clair County, Ala.?—A. Twenty-one years.

Q. What position or office did you hold, if any, during October, 1920?—A. Chairman of the board of registrars of St. Clair County, Ala.

Q. When and from whom did you get your appointment?—A. My recollection is October 7, 1920, from the governor of Alabama.

Q. How many constituted the board of registrars, and who were they?—A. There was three—O. B. Morris, H. W. Shockley, and myself.

Q. When did the board of registrars organize for duty?—A. October 12, 1920.

Q. Explain why you did not organize immediately after you received your appointment.

(Objection by contestant.)

A. We had not received a copy of the law nor had we received our supplies; they were to be furnished by the State through the probate judge of St. Clair County.

Q. Did you apply to the probate judge for your supplies immediately after receiving your appointment?—A. I did, within one hour.

Q. Did you get them?—A. I did not.

Q. State how many times you applied to the probate judge for supplies and when.—A. Three times—once the day I received my appointment, then the next time either Friday or Saturday following, and the next time being the next day, which was Sunday.

Q. When did you receive your supplies?—A. Tuesday morning, October 12, 1920.

Q. Did you immediately organize for duty?—A. We did.

Q. Were the three members present at that time?—A. They were.

Q. State what you did toward getting to work.—A. Immediately after being sworn in we arranged the dates for our appointments and had circular notices printed.

Q. When did you receive the printed notice of your appointments?—A. In the afternoon of October 12, 1920.

Q. Have you a copy of the notices that the board sent out?—A. I have.

Q. Please attach a copy of same to your answers or testimony and designate the same by marking it "Exhibit A."—A. I now deliver to Miss Pauline Montgomery, the commissioner taking this testimony, a true copy of said notices and designate the same by marking it "Exhibit A."

Q. Please give a general outline of the places or appointments filled by the board of registrars.—A. We filled all of these appointments named on the attached notice marked "Exhibit A," except Riverside.

Q. State for what cause or why you did not fill the appointment at Riverside.—A. We could not register all the applicants in the half day allotted to Ragland, and on account of the accessibility of Riverside to Pell City, where we were to register October the 19th, 20th, and 21st, we called in the Riverside appointment.

Q. How far is Riverside from Pell City?—A. About 5 miles.

Q. How far is Ragland from Pell City?—A. About 17 miles.

Q. Was Riverside accessible to Pell City by railroad?—A. Yes; a direct line of the Southern.

Q. What was the schedule?—A. The train from Riverside to Pell City arrived at Pell City about 9 o'clock a. m. and returned to Riverside from Pell City between 5 and 6 p. m.

Q. Did the board of registrars make any discrimination as to registering either Democratic or Republican applicants?—A. It did not.

Q. Did you or either member of the board within your knowledge make any inquiry or seek any information as to whether any applicants or applicant were Republicans or Democrats?—A. We did not.

Q. In your judgment, was the registration of the applicants during the entire time honestly and fairly conducted?—A. It was.

Q. Do you know of any unfair means used by either party in order to get applicants registered or to keep those entitled to registration from being registered?—A. I do not.

Q. If anything else occurred during the time you were registering or you exercised any extraordinary effort to complete the registration within the time allotted, state what the board did.—A. Late in the afternoon of the 18th at Ragland we only had a few unused blanks for registering applicants, and I sent a man from Ragland late that afternoon to Pell City with instructions to have the necessary blanks printed.

Q. Was Pell City the most accessible place to have the blanks printed?—A. It was.

Q. Please state what you did yourself toward securing these blanks.—A. After closing time at Ragland I immediately went to the Progress Printing Co. at Pell City and had the necessary blanks that night and they were delivered to me the next morning by 7 o'clock.

Cross-examination by Mr. ROBINSON:

Q. Were the registrars of St. Clair County Democrats or Republicans?—A. They are supposed to be Democrats.

Q. Were they elected or appointed?—A. Appointed.

Q. Beats Nos. 22, 7, 5, 23, 13, 14, and 21 are normally Republican beats, are they not?—A. Beats Nos. 22, 7, 5, and 21 are normally Republican. I can not say as to beats 23, 14, and 13.

Q. Did the registrars visit any of these precincts for the purpose of registering?—A. They did not.

Q. Are any of these precincts accessible by rail to any place that the board of registrars visited for the purpose of registering voters in October, 1920?—A. Only beat 21.

Q. Is beat 4 a Democratic or Republican beat by a good majority?—A. It is Democratic by a good majority.

Q. Why did the registrars give one whole day at this precinct for the purpose of registering voters, and it being the only one that was given a whole day in your list of appointments, except Pell City and Asheville?—A. Because it is the largest voting beat in the county and it was of the opinion it would take a full day to do the work.

Q. Ragland beat 9 is considered a Democratic precinct, is it not?—A. I think so; by a small majority.

Q. Did the registrars spend one whole day there for the purpose of registering?—A. They did.

Q. About what time in the afternoon did you receive your notices from the press in the afternoon?—A. I do not know.

Q. To whom did you mail notices of your appointments?—A. I do not know; Mr. Shockley and Mr. Morris attended to the mailing of these notices.

Q. Is Steele and Caldwell connected with Asheville by telephone?

(Objection by contestee.)

A. They are.

Q. Did the registrars notify any person at Steele or Caldwell by telephone that they would be at these places for the purpose of registering voters on October 13, 1920?—A. Not that I know of.

Q. The other places that you had appointments were also connected with Asheville by telephone, were they not?—A. They were.

Q. Was any person at either of these places notified by phone that the registrars would be at either of the places for the purpose of registering voters on October 14, 15, 16, and 18, for the purpose of registering voters?—A. Not that I know of.

J. MANLEY INZER.

THE STATE OF ALABAMA,

St. Clair County.

I, Pauline Montgomery, the commissioner named and employed to take the testimony of the witnesses, E. R. Collins, W. S. Sloan, Geo. L. Byers, Judge Perkins McClellon, and J. Manley Inzer, on the part of the contestee in the contest of C. B. Kennamer against L. B. Rainey, hereby certify that the foregoing testimony of said witnesses was taken down by me, as such commissioner, at the time and place named in the caption of each witness; that each of said witnesses was duly sworn and subscribed their names to their respective testimony in my presence; that I am not of counsel or of kin to either of the parties to said contest, nor interested in the result thereof; that I have personal knowledge of the personal identity of the witnesses and that they were examined on the days named in the caption to each of said depositions, respectively, and I herewith inclose the same in an envelope with the proper indorsement thereon and address the same to the "Clerk of the House of Representatives of the United States, Washington, District of Columbia."

In witness whereof I hereunto affix my signature and seal this the 18th day of March, 1921.

[SEAL.]

PAULINE MONTGOMERY, *Commissioner.*

TESTIMONY FOR CONTESTANT IN REBUTTAL.

NOTICES TO TAKE DEPOSITIONS.

L. B. RAINEY:

Take notice that C. B. Kennamer will examine the witnesses named below at the courthouse in Oneonta, Blount County, Ala., on the dates designated, before J. S. Franklin, commissioner and notary public, and from day to day until said examination of said witnesses are completed.

The names and addresses and the date of their examination are as follows, to wit:

March 30, 1921: Mrs. P. M. Green, Cleveland, Ala., R. No. 1; Grady Weaver, Liberty, Ala.; Dr. M. Denton, Oneonta, Ala.; Dr. N. C. Denton, Oneonta, Ala.; Will P. Cowden, Oneonta, Ala.; Mrs. Pickens Mitchell, Oneonta, Ala., R. No. 1; Mrs. Ma'ie Nash, Walnut Grove, Ala., R. No. 2; Girley Hedgcock, Summit, Ala.; George Yates, Summit, Ala.; J. T. Faile, Blountsville, Ala., R. No. 2; Grady Whitten, Oneonta, Ala.; James T. Weaver, Liberty, Ala.; Mrs. Butler Bynum, Liberty, Ala.; Lon. Roberts, Bright Star, Ala.; R. W. Buckner, Oneonta, Ala.

March 31, 1921: Mrs. Will Rutherford, Cleveland, Ala., R. No. 1; Walton Armstrong, Hayden, Ala.; Dr. W. C. Miles, Cleveland, Ala.; Mrs. R. E. McRay,

Blountsville, Ala.; Mrs. Ed. Murphree, Remlap, Ala.; Mrs. Sam Mize, Ramlap, Ala.; Leroy Berry, Summit, Ala.; Mrs. John Rickles, Blountsville, Ala.; Thos. Scarbrough, Remlap, Ala.; George Clements, Oneonta, Ala., R. No. 2; E. Harmon, Village Springs, R. No. 2; Roy Head, Cleveland, Ala.; Lawrence Good, Village Springs, R. No. 2; Mrs. Hez Weaver, Blountsville, R. No. 1.

April 1, 1921: T. G. Merrill, Bangor, Ala., R. F. D.; Henry Williams, Blountsville, Ala., R. No. 1; Ben Neal, Summit, R. No. 1; J. C. McConnell, Blountsville, R. No. 3; Dr. J. S. Wittmeir, Cleveland, Ala.; John Tucker, Cleveland, Ala.; Mrs. Vanner Copeland, Blountsville, R. No. 2; D. C. Rasco, Oneonta, Ala.; Mr. ——— Chatham, Blountsville, R. No. 1; R. C. Bryan, Blountsville, R. No. 3; Mrs. Ben Hunt, Cleveland, R. F. D. (Nectar); Mrs. Oscar Whited, Oneonta, Ala.

Executed this 26th day of March, 1921, by leaving a copy of the above notice with P. A. Nash, attorney for L. B. Rainey.

J. B. SLOAN,

Attorney for Contestant.

[Copy.]

TO L. B. RAINEY, ESQ.:

Take notice that it is the intention of C. B. Kennamer, contestant, to examine the witnesses mentioned in this notice at the office of J. S. Franklin, in the Echols Building in Gadsden, Ala., on Saturday April 2, 1921.

The names and addresses of the witnesses are as follows: Anderson W. Whitt, Boaz, R. F. D.; J. E. Marbut, Hokes Bluff, Ala.; Mrs. Willie Kirk, Attalla, Ala.; Mrs. W. C. Foster, Altoona, Ala.; W. D. Countryman, Steele, Ala., R. F. D.; G. W. Palmer, Gaylesville, Ala.; W. M. Watt, Center, Ala.

Said witnesses will be examined before J. S. Franklin, a notary public and duly authorized commissioner.

THOS. H. STEPHENS,

Attorney for Contestant.

I, Thomas H. Stephens, attorney for C. B. Kennamer, hereby certify that I executed the foregoing notice by leaving a copy with A. V. Lee, attorney for L. B. Rainey, on this 30th day of March, 1921.

THOS. H. STEPHENS,

TO L. B. RAINEY, ESQ., OR TO W. C. RAYBURN, ATTORNEY FOR L. B. RAINEY:

The notice that C. B. Kennamer, contestant, will examine and take the depositions of witnesses named below, in behalf of the contestant, at the store of H. N. Stricklin, in beat 9, Cullman County, Ala., at 9 o'clock a. m. on Tuesday, April 5, and from day to day until the examination of all of said witnesses are concluded. This examination being in behalf of the contestant in the contest election case wherein C. B. Kennamer is contesting the election as said L. B. Rainey as a representative in the Congress of the United States, from the seventh congressional district of Alabama, the election having been held on the 2d day of November, 1920.

The deposition of these witnesses will be taken before Hon. J. S. Franklin, notary public and duly designated and appointed commissioner for the taking of such testimony.

The names, post-office address, and residence of the witnesses to be examined at such time and place are as follows: Mr. T. H. Robertson, Bremen, Ala., Cullman County, beat 9; Mrs. Vanie Williams, Bremen, Ala., R. F. D. No. 1; Mrs. Dollie Stricklin, Bremen, Ala., R. F. D. No. 1, Cullman County; Mrs. Lizzie Stricklin, Bremen, Ala., R. F. D. No. 1, Cullman County; Mrs. Maudie Stricklin, Bremen, Ala., R. F. D. No. 1, Cullman County; Mr. G. W. Stricklin, Bremen, Ala., R. F. D. No. 1, Cullman County; Mrs. Nettie Stricklin, Bremen, Ala., R. F. D. No. 1, Cullman County; Mrs. John W. Williams, Bremen, Ala., R. F. D. No. 1, Cullman County; Mr. John W. Williams, Bremen, Ala., R. F. D. No. 1, Cullman County; Mr. Ben Huffman, Bremen, Ala., R. F. D. No. 1, Cullman County; Mrs. Mattie Huffman, Bremen, Ala., R. F. D. No. 1, Cullman County; Mr. J. L. Willingham, Bremen, Ala., R. F. D. No. 1, Cullman County; Mr. H. N. Stricklin, Bremen, Ala., R. F. D. No. 1, Cullman County; Mrs. Addie Stricklin, Bremen, Ala., R. F. D. No. 1, Cullman County; Mrs. Flectia V. Stricklin, Bremen, Ala., R. F. D. No. 1, Cullman County; Mrs. Cordelia E. Williams, Bremen, Ala., R. F. D. No. 1, Cullman County; Mr. Sam Aaron, Bremen, Ala., R. F. D. No. 1, Cullman County; Mrs. Addie Aaron, Bremen, Ala., R. F. D. No. 1, Cullman County; Mr. Earlie Stricklin, Bremen, Ala.,

R. F. D. No. 1, Cullman County; Mrs. Minty Stricklin, Bremen, Ala., R. F. D. No. 1, Cullman County; Mr. Cris Scheuing, Cullman, Ala.; Mrs. Cordelia Willingham, Bremen, R. F. D. No. 1, Ala.; Mr. Bart Stricklin, Bremen, R. F. D. No. 1, Ala.; Debbie L. Stricklin, Bremen, R. F. D. No. 1, Ala.

C. B. KENNAMER, *Contestant*.

Copy of the foregoing notice delivered to W. C. Rayburn, at Guntersville, Ala., Friday April 1, 1921.

C. B. KENNAMER, *Contestant*.

STATE OF ALABAMA, *County of Blount*:

Personally appeared before me, J. S. Franklin, notary public, and duly authorized commissioner to take depositions for C. B. Kennamer, contestant, the witnesses whose names are mentioned in and who subscribed the following depositions, and after being duly sworn to speak the truth, said witnesses testified as set out herein. Said examination was held in the courthouse of Blount County, on Wednesday, the 30th day of March, 1921. C. B. Kennamer, not being present in person, was represented by J. B. Sloan, attorney, of Oneonta, Ala.; and L. B. Rainey, not being present, was represented by P. A. Nash, of Oneonta, Ala., an attorney. This examination was held for the purpose of taking testimony in behalf of C. B. Kennamer, contestant, in the election of a Congressman, held in the seventh congressional district of Alabama, on the 2d day of November, 1920.

The agreement as to noting of objections and grounds as heretofore agreed to, shall continue throughout this examination. That is, each side can have any objections desired noted, without stating the grounds therefor, and have full benefit of said objections on the submission of this contest.

J. B. SLOAN,

Attorney for Contestant.

P. A. NASH,

Attorney for Contestee.

P. G. HEDGECOCK, being called, testified as follows:

Q. State your name, the precinct and county in which you live?—A. P. G. Hedgecock. I live in precinct No. 7, Summit, Ala., in Blount County, in the seventh congressional district.

Q. Did you hold any official position in the election of November, 1920.—A. Yes; I was one of the managers.

Q. What particular work as manager did you do?—A. I folded the tickets.

Q. Did you talk to any of the voters during the election?—A. I suppose so, but I do not remember in what way; I was talking to them all day in so far as that is concerned?

Q. Do you remember anything that you said to any of the voters during the election on election day?—A. Nothing in particular.

Q. Do you remember anything that you said to the voters in general?—A. No.

Q. To refresh your recollection, did you say anything to any voter during that day as to how he should vote or as to what ticket he should vote?—A. No.

Q. Did you or not hear anyone else in the voting place talk to voters as to how they should vote or as to what ticket they should vote?

(Objections.)

A. No.

Q. What particular position as to the place where the ballots were deposited did you hold during this election?—A. I was standing near a little table, and the ballot box was directly behind me.

Q. Who handed the tickets to you?—A. W. E. Suttles.

Q. Was he one of the managers?—A. He was one of the markers.

Q. Where did he stand?—A. He stood to my right.

Q. Did he mark the ballots there in your presence?

(Objections.)

A. Yes.

Q. How many was in the polling place at any one time during the day?

(Objections.)

A. I could not say.

Q. It was crowded within the polls at different times during the day, was it not?

(Objections.)

A. I think not; I have no recollections about it.

Q. How many voted there that day?

(Objections.)

A. I don't remember.

Q. To refresh your recollection, did not Mr. Rainey receive 185 votes at that box and Mr. Kennamer 37?

(Objections.)

A. I don't remember how many they received.

Q. Do you remember that nearly all the votes that were cast there were Democratic votes?

(Objections.)

A. The majority were Democrats.

Q. Did you hear W. E. Shuttles during that election day suggesting to voters as to how they should vote?

(Objections.)

A. No.

Q. Did you register any voters just before the last election?

(Objections.)

A. I took some applications.

Q. Whose applications did you take?

(Objections.)

A. I don't remember all of them.

Q. State those you do remember, their names?

(Objections.)

A. The three Mrs. Yarbroughs, the two Mrs. Phillips, and Mrs. Bailey, two Misses Hanby, and I believe that is all I remember?

Q. Are you positive that those are all the applications for registration that you took?

(Objections.)

A. No.

Q. Were any of these that you registered Republicans?

(Objections.)

A. They said so, I do not know.

Q. Who was it said they were Republicans?

(Objections.)

A. Mrs. N. V. Yarbrough.

Q. You were not looking for Republicans to register were you?

(Objections.)

A. I don't know that I was looking for any certain one.

Q. Is it not a fact that you were sent out and instructed to register Democratic voters?

(Objections.)

A. I don't remember having any such instructions.

Q. Who gave you instructions to take certificates to register voters?

(Objections.)

A. I don't remember, it was one of the registrars.

P. G. HEDGECOCK.

(It is agreed that J. S. Wittmeier, who was subpoenaed to appear for examination on April 1, 1921, may be examined at this time, March 30, 1921.)

J. S. WITTMETIER being called, testified as follows:

Q. State your name, your residence, and precinct.—A. J. S. Wittmeier, Cleveland, Ala., precinct No. 12, in Blount County.

Q. Is that in the seventh Alabama congressional district?—A. Yes.

Q. Did you hold any official position in the last November election?—A. No.

Q. Just prior to the last November election, did you register any voters?

(Objections.)

A. No.

Q. Did you take any applications for registration just prior to the election?

(Objections.)

A. I did.

Q. Whose applications did you take?

(Objections.)

A. Mrs. Alvien Green, Mrs. L. P. Chitwood, Mrs. John Phillips, and some two or three others, whose names I can not now recall.

Q. Were either one of the registrars present when you took these applications?

(Objections.)

A. No.

Q. What is your politics?

(Objections.)

A. Democrat.

Q. Are you a partisan Democrat?

(Objections.)

A. I am.

Q. Were you present the night the registrars registered voters at Cleveland, Ala.?—A. No.

Q. You knew about the registrars being there registering voters, did you not?—A. I did.

Q. Was Cleveland one of the regular advertised places of registration of voters?—A. Not to my knowledge.

Q. Did you see any notices of the registration stuck up around Cleveland for the registration of voters?—A. I don't remember that I did.

Q. When did you get notice that there was to be a registration there?—A. The afternoon of that day.

Q. Who notified you?—A. The registrars.

J. S. WITTMEIER.

GRADY WHITTEN, being called, says:

Q. State your name and residence.—A. Grady Whitten, Oneonta, Ala., Blount County, in the Seventh Alabama congressional district.

Q. Did you reside in Oneonta at the last November election?—A. Yes.

Q. What business were you in at that time?—A. Driving a taxi.

Q. Did you deliver absentee vote to the managers of Joy precinct No. 21, in Blount County, on the day of last November election?

(Objections.)

A. Yes; I suppose that is what you call it.

Q. Whose vote was it?

(Objections.)

A. It was Mrs. Copeland; I do not remember her first name.

Q. At what place in Oneonta did she reside at that time?

(Objections.)

A. At what is known as the Love Hotel.

Q. Who fixed up that vote for Mrs. Copeland?

(Objections.)

A. I was not in the house and do not know.

Q. Who delivered the vote to you?

(Objections.)

A. It was either Mr. Floyd Hearn or Mr. Copeland, her husband.

Q. Did Floyd Hearn go there with you when you went to get the vote?

(Objections.)

A. Yes.

Q. Was that on the day of the election?

(Objections.)

A. Yes.

Q. Do you or not know that that was the day on which this ballot was voted?

(Objections.)

A. I think it was, but I could not say that I know it.

Q. Did Mr. F. A. Hearn take a blank ballot in the house with him?

(Objections.)

A. I did not see one. I don't remember whether he had an envelope in his hand or not.

Q. Do you know Mrs. Copeland's politics?

(Objections.)

A. I have never heard her say; I only know what I have been told.

Q. What is your information about it?

(Objections.)

A. I have been told she was a Democrat.

Q. What is your politics?

(Objections.)

A. Democrat.

Q. To whom did you deliver that vote at Joy beat?

(Objections.)

A. To the managers of the election, the one that was counting out the votes.

Q. What time was it when you got there?—A. Some 10 minutes before 5.

Q. Is Joy precinct, the place where you delivered this vote, in the same county in which Mrs. Copeland was when she voted?

(Objections.)

A. Yes.

Q. Are you a partisan Democrat?

(Objections.)

A. Not knowing anything about the two men personally, one being a Democrat and the other a Republican, I would vote for the Democrat.

GRADY WHITTEN.

J. T. FAILE, being called, testified as follows:

Q. State where you reside and your name.—A. At Joy, on Bangor Route No. 2, in Blount County, Ala., and my name is J. T. Faile.

Q. Is that Joy precinct No. 21, and in the seventh Alabama congressional district?—A. Yes.

Q. Were you one of the election managers at the last November election in Joy precinct No. 21?—A. I served as a clerk in that election.

Q. Did Grady Whitten, the witness that has just testified, deliver an absentee vote for Mrs. Vanna Copeland at that place during election day?

(Objections.)

A. Yes.

Q. Who signed up the oath to that vote as an official?

(Objections.)

A. F. A. Hearn is my recollection.

Q. Do you know of any voters being registered over there in that community by anyone other than the registrars?

(Objections.)

A. I know of some applications being taken.

Q. Who took those applications?—A. I took two myself. I do not personally know of any others.

Q. To whom did you deliver these applications for registration?—A. I think I gave them to Mr. Byron.

Q. Was there any regular registration by the registrars in Joy precinct No. 21?

(Objections.)

A. I think not.

Q. How far is Joy precinct from Oneonta, Ala.?—A. The voting place is about 12 miles.

Q. Do you know where Mrs. Vanna Copeland resided at the last November election?

(Objections.)

A. I think she resided in Oneonta, Ala.

Cross-examination:

Q. Did you vote for Mr. Kennamer or Mr. Rainey at the last November election?—A. I voted for Mr. Kennamer.

Q. Are you a Democrat or Republican?—A. Republican.

Q. Are you a partisan Republican?—A. I most always vote the party ticket.

J. T. FAILE.

Dr. N. C. DENTON, being examined, says:

Q. State your name and your residence.—A. N. C. Denton, Oneonta, Ala.

Q. Is that in the seventh Alabama congressional district?—A. Yes.

Q. Did you reside at Oneonta at the last November election?—A. Yes.

Q. Just prior to the last November election did you register any voters?

(Objections.)

A. No.

Q. Did you take any applications for registration?

(Objections.)

A. Yes; I was duly authorized to do so.

Q. Who authorized you to take applications for registration?

(Objections.)

A. I took an oath at the instigation of the registrars.

Q. To register voters?—A. No.

Q. Who administered that oath to you?

(Objections.)

A. F. A. Hearn.

Q. Was F. A. Hearn one of the registrars?

(Objections.)

A. No.

Q. State the names of those whose names you took for registration?

(Objections.)

A. I don't know that I could do that.

Q. About how many applications did you take?

(Objections.)

A. I don't know.

Q. You took several, did you not?

(Objections.)

A. I took more than two or three or four.

Q. What did you do with the applications when you took them?

(Objections.)

A. I turned them over to the registrars.

Q. Who were the registrars?—A. Mr. J. T. Brown, Mr. J. H. Ketchum, and John South.

Q. Do you know of anyone else other than the registrars who took applications of voters for registration other than the registrars?

(Objections.)

A. No.

Q. Have you any information of others taking application for registration than the registrars?

(Objections.)

A. Yes.

Q. Did you stay around the Oneonta polls during the day of election?

(Objections.)

A. Not all day.

Q. Did you talk to any of the voters in regard as to how they should vote?

(Objections.)

A. You will have to make your question more specific before I can answer it.

Q. Did you tell any voter on election day to vote either the Democratic or the Republican ticket?

(Objections.)

A. I told a great many people that they could either vote the Democratic or Republican ticket, or either of the other tickets that were on the regular election ballot, and also that they could vote a mixed ticket.

Q. Did you suggest to any voter that he or she should vote for any particular candidate?

(Objections.)

A. I did not.

Q. What is your politics?

(Objections.)

A. Democrat.

Q. Are you a partisan Democrat?—A. I am a partisan Democrat, but not according to the definition of partisan as given by you in this contest.

Q. How are you a partisan Democrat?—A. Having voted a Democratic ticket for 17 years and being a believer in Democratic principles, especially in the Democratic principles in State and county politics, as I have seen and known them for the 15 years that I have lived in Alabama; not a blind Democrat, but a Democrat.

Q. In your judgment, is Democracy different in Alabama and Blount County from Democracy in any other State or county?

(Objections.)

A. Not particularly, that I know of.

N. C. DENTON.

J. T. WEAVER, being examined, says:

Q. State your name and residence.—A. J. T. Weaver; Liberty, Blount County, Ala., precinct No. 33.

Q. Is that precinct in the seventh congressional district of Alabama?—A. Yes.

Q. Did the registrars come to Liberty for the purpose of registering voters?
(Objections.)

A. Yes.

Q. When did they come there?

(Objections.)

A. They came at night.

Q. Do you remember what night it was?—A. I do not remember the date, but it was the night of the day on which they registered at Pocahontas.

Q. Was Liberty one of the regularly advertised places in the county for the registration of voters?

(Objections.)

A. No; if it was I did not see any advertisement.

Q. Were you there the night the registrars were registering voters?—A. Yes.

Q. About how many Democratic women were registered there that night?

(Objections.)

A. I don't know; there were many of them.

Q. About how many Republican women were registered there that night?—

A. There were not very many.

Q. What time did you get notice that they were going to register voters there that night?—A. It was between sundown and dark of the same afternoon.

Q. Do you know of any Republican women who failed to get registered that livd in that precinct?—A. Some one told me the other day that there were some five or six up in the east end of the beat who did not get to register.

Q. You stated that you knew of Mrs. Fortenberry who did not get to register?

(Objections.)

A. Yes; I knew her, and her husband told me she did not get to register.

Q. Do you know of any voters in Liberty precinct who were registered by anyone other than the registrars?

(Objections.)

A. No.

Q. Have you any information of others?

(Objections.)

A. I have heard so; but I do not know.

J. T. WEAVER.

R. W. BUCKNER, being called, testified as follows:

Q. State your name and where you reside.—A. R. W. Buckner; Oneonta, Ala.

Q. Is that in the seventh Alabama congressional district?—A. Yes.

Q. Have you been sheriff of Blount County?—A. Yes.

Q. When did your term expire?—A. Two years ago this January.

Q. Who did you turn over the office to when you went out as sheriff?—A. Mr. Nations, the present sheriff. Mr. Charley Nations.

Q. Did you turn over to Sheriff Nations all the keys you had to the sheriff's office?—A. I did.

Q. Did any of your deputies have any keys when you went out of office?—A. No.

Q. Have you ever had a key to the sheriff's office since that time?—A. No.

Q. Were you present at the canvass of the return on Friday after the last election?

(Objections.)

A. Yes.

Q. Do you remember of any of the returns being mixed, some in the wrong boxes?

(Objections.)

A. Yes.

Q. State what you know about that.

(Objections.)

A. This beat number 36 was mixed with Gum Springs beat, is my best recollection.

Q. Was the certificate of the managers of this beat in the Gum Springs beat box?

(Objections.)

A. Yes.

Q. How far is Gum Springs beat from Oneonta, Ala.?—A. Sixteen or 18 miles.

Q. Do you know whether or not those boxes were locked at the time of this canvass?

(Objections.)

A. I don't remember whether they were all locked; some of them were locked.

Q. Do you remember anything about the condition of the Chepultepec box?

(Objections.)

A. No.

Cross-examination:

Q. When you were sheriff, how many keys did you have to the sheriff's office—for the main lock on the door of said office?—A. I only had one.

Q. Is it not true that in addition to the main door lock that there was also on said door an extra Yale lock?—A. There is what I call a night latch; I don't know whether it is a Yale lock or not.

Q. How many keys did you have to the night lock?—A. I think there were two to that.

Q. Who kept the keys to the night lock to this door?—A. Principally the time I did.

Q. How many deputies did you have when you went out of the sheriff's office to work in and around your office?—A. My recollection is that Mr. Stanfield is the only one. Mr. Latham was a deputy and was in and around part of the time, but did not stay here regularly.

Q. Is it not true that Mr. Stanfield and Mr. Latham had access to the keys to the door of the sheriff's office just prior to the time you went out of the sheriff's office?—A. Yes; at any time they wanted to come in they got the key from me.

Q. Is it not true that a part of the time either one or both of them would carry one of the keys to the night lock to said office?—A. No; I think not. At the last, for a year or two, this night lock had given us so much trouble that we took the latch off and just used the regular lock.

Q. Is it not true that you only turned over to Mr. C. S. Nations one key to said door?—A. That is my recollection; one was all.

Q. Do you know or have any information who took part of the ballots from a part of the ballot boxes, which had been prepared to be sent out to the different precincts of the county, just prior to the election held on November 2, 1920?

(Objections.)

A. I do not.

Q. When did you hear, just prior to said election, for the first time that the tickets would likely be short at some of the precincts in said election in this county?—A. I don't believe I remember the exact dates, but it was some two or three weeks is the best of my recollection.

Q. Who first told you about it?—A. I think Mr. Moody was the first one who mentioned it to me.

Q. State whether or not anyone told you just prior to said election that there was a scheme planned whereby the ballots would be short in some of the precincts.—A. It was generally rumored that the ballots would be short in some of the precincts, but I do not remember who told me.

Q. Is it not a fact that that rumor was current only among the Republicans, so far as you know?—A. That is all that said anything to me about it; no Democrats mentioned any such things to me.

Q. Is it not a fact that there was a scheme or a general understanding among the Republicans of this county to vote early in the morning of said election?—A. After we heard these rumors we advised our folks to go vote early.

Q. Is it not a fact that, so far as you know, that the Republicans of this county did vote early at said election as a general rule?—A. I have no idea about how they voted generally and have no information about it.

Q. Do you personally know of any person or voter in this county not voting on account of the shortness of tickets at this election?—A. No.

Q. State whether you were a candidate in said election, and if so, on what ticket and for what office.—A. Yes; for tax collector, and on the Republican ticket.

Q. Are you a partisan Republican?—A. I don't know; you will have to explain that to me; but I guess I am.

Q. Are Mr. Stanfield and Mr. Latham, the deputies of yours of whom you have spoken, Democrats or Republicans?—A. Republicans.

Redirect examination:

Q. I believe you stated on your cross-examination that there was only one key to the main lock to the sheriff's office and that you turned that key over to Mr. Nations, the present sheriff, when you retired from office?—A. Yes.

Q. The main lock of the sheriff's office being locked, could anyone enter at the door without breaking the main lock or the door with keys to the night latches or other locks on the door?—A. No.

R. W. BUCKNER.

LON L. ROBERTS, being called, says:

Q. State your name and where you reside.—A. Lon Roberts; and reside at McLarty, in Blount County, Ala.

Q. Is that in the seventh Alabama congressional district?—A. I suppose it is.

Q. Did you assist the registrars any when they were registering voters at McLarty or Urgle Schoolhouse?

(Objections.)

A. I did.

Q. Did you fill out an application for Mrs. Y. C. Rhodes?

(Objections.)

A. No.

Q. Did you know of Mrs. Y. C. Rhodes being registered?

(Objections.)

A. Personally, I do not know of her being registered.

Q. Do you know of any Mrs. Rhodes being registered there?

(Objections.)

A. No.

Q. To refresh your recollection, at the request of one of the registrars, did you not fill out the application of Mrs. Young Rhodes and the registrars registered her on that application?

(Objections.)

A. I don't remember filling out any application for Mrs. Young Rhodes.

Q. Was Mrs. Young Rhodes there that day?

(Objections.)

A. I don't remember seeing her there.

Q. She was registered there that day, was she not?

(Objections.)

A. I don't think she was.

Q. Do you know whether or not she was ever registered?

(Objections.)

A. I don't think she was.

Q. Where do you vote?—A. Urgle Schoolhouse; I think it is beat No. 38.

Q. Do you know of any voters being registered there that day, when there was only one of the registrars present?

(Objections.)

A. I do not.

Q. What is your politics?—A. I vote the Democratic ticket.

Q. Are you a partisan Democrat?—A. I don't know what you mean by that.

Q. Do you vote for just anybody that they put on the Democratic ticket?—

A. I have so far, but I don't say I will always do it.

Q. Did you register any voters or take any applications for the registration of voters at any other time than the day the registrars were at Urgle Schoolhouse?

(Objections.)

A. I did not.

LON L. ROBERTS.

THURSDAY MORNING, March 31, 1921.

LEROY BERRY, being called, says:

Q. State your name and residence.—A. Leroy Berry; Summit, Blount County, Ala., in the seventh congressional district of Alabama.

Q. Did you vote at Summit in the last November election?—A. Yes.

Q. How long were you at the polls or around the polls during the day?—A. I was there off and on most all day; in the morning I was there a good deal.

Q. In what particular place in Summit was the election held?

(Objection.)

A. It was held in Dr. Haden's office.

Q. What was the condition of the polls at different times during the day as to the number who were in the polls?

(Objections.)

A. When I noticed there were a good many in there, in and near the polls where the election was being held; this was in the building and on the porch there.

Q. How close were they to where the ballots were being deposited?

(Objections.)

A. They were anywhere from 6 to 8 feet.

Q. State how many at one time that were in there at any one time during the day?

(Objections.)

A. I suspect there were 15 or 20.

Q. Did you see that many there at different times during the day?

(Objections.)

A. Yes.

Q. Were the ballots passed out to the voters by the managers?

(Objections.)

A. No; I don't think they were; they were passed out by Mr. W. E. Suttles, one of the markers.

Q. Did he give you your ballot to vote?

(Objections.)

A. Yes.

Q. How far was he located from where the ballots were being deposited?

(Objections.)

A. He was located about 6 feet, I guess.

Cross-examination:

Q. Did you vote for Mr. Kennamer or Mr. Rainey?—A. Mr. Kennamer.

Q. Are you a partisan Republican?—A. Yes. That is, if I understand what a partisan Republican means; if it means a straight Republican, to vote a straight Republican ticket, I am.

Q. Did you mean to state just now that at different times at the polls in Summit precinct at said election there were 15 or 20 persons, beside the officers of the election, within 5 or 6 feet of the immediate place where the polls were being held?—A. I said 6 to 8 feet.

Q. Then you do mean to state that there were 15 to 20 persons within the immediate space around the polls, within 6 or 8 feet of the place where the ballots were being polled?—A. Yes.

Q. Were they Democrats or Republicans?—A. They were mixed; some Democrats and some Republicans; but the most of them were Democrats, I think, for that is a Democratic beat.

Q. Is it not true that the polls were crowded with Republicans early in the day at said election at that place?—A. I don't know that it was.

Q. Were the polls, or the voting place, in Dr. Haden's office or on the porch of the building?—A. It was in Dr. Haden's office.

Q. What is the size of Dr. Haden's office, in which said election was held?—A. I reckon it is about 10 by 18 feet.

Q. At the time of said election, what furniture, tables, etc., were in said office?—A. In the back part of the office is a little stove, also a chest to hold the dental tools, and also a dental chair, and up near the door is about a 6 or 8 foot counter, about 2 feet wide, on the right as you go in, and on the left-hand side there is a cut-off, where they used to keep the post office, a kind of an inclosure in the corner.

Q. You mean to state that within the office there were 15 or 20 persons, besides the election officers, at different times in the day at said election?—A. I said it was in and around the building, not altogether within.

Q. Now, is it not a fact that not more than 3 or 4 or possibly 5 were permitted in the building at any one time during the day at said election, except the election officers?—A. I could not state how many had been permitted in there, but I had seen as many as 5 right in the office at one time.

Q. At no one time during the day of said election you did not see 15 or 20 within the building, except the election officers; that is true, is it not?—A. No; I did not see 15 or 20 within the room, if that does not include the porch.

Q. So far as you know of your own knowledge, every voter in Summit precinct had an opportunity to vote at that election, and to vote their own sentiments, did they not?—A. As far as I know, I suppose they did.

LEROY BERRY.

WILL P. COWDEN, being examined, says:

Q. You live in Oneonta, Blount County, Ala.?—A. Yes.

Q. What is your politics?—A. Democrat.

Q. Never voted any other ticket in your life?—A. No.

Q. How long have you been voting?—A. I was 47 years old in past September, and I have voted in every election since I was 21.

Q. Did you register any women last fall?

(Objections.)

A. No.

Q. Did you take any applications for the registration of women?

(Objections.)

A. Yes.

Q. At whose request did you take those applications?

(Objections.)

A. I was appointed by the board of registrars.

Q. Did you deliver any of the certificates of registration?

(Objections.)

A. My best recollection is I did not.

Q. Give us the names of some of the women whose applications you took.

(Objections.)

A. I don't believe I could do that, for I do not remember.

Q. Did you not take the application of Mrs. W. L. Hartley, of Chepultepec?

(Objections.)

A. I think I did.

Q. Can you remember anyone else in Chepultepec whose application you took?

(Objections.)

A. No.

Q. Was any one of the registrars present when you took her application?

(Objections.)

A. No.

Q. What is Mrs. Hartley's political persuasion?—A. I do not know, but I know what Mr. Hartley's is.

Q. What is the politics of her family?

(Objections.)

A. Mr. Hartley is a Democrat, but as to her immediate family I could not say.

Q. Do you remember making a trip up to Rays and Royal beats during the time the registration was in progress last fall?

(Objections.)

A. Yes.

Q. Did you register any women on that trip?—A. No.

Q. Did you take any applications for registration on that trip?

(Objections.)

A. Yes.

Q. Who was with you on that trip?

(Objections.)

A. One of my boys, James Cowden, and Mrs. Whitworth, and my mother.

Q. Whose application did you take on that trip?

(Objections.)

A. I do not know; I was not acquainted with any of them.

Q. Did you not go to John Williams's and take the application of his wife and his sister?

(Objections.)

A. I went to a Mr. Williams, but I do not know his first name.

Q. Did you go to Gurley Suttles's and take the applications of his mother and his wife?

(Objections.)

A. I do not remember.

Q. Mrs. Whitworth had lived up in that community and had moved here just recently, had she not?

(Objections.)

A. I do not know; she had moved here, but I do not know where she came from.

Q. Mrs. Whitworth was the one who directed you the places where to go?

(Objections.)

A. No; I went there to deliver some insurance policies, and just found these places.

Q. You came back by Mrs. Susie Mitchell's, did you not, and took her application?

(Objections.)

A. I don't remember.

Q. Did you not take Mrs. Emmet Redmond's application?

(Objections.)

A. I don't think I did.

Q. Did you take the application of Mrs. Weems, who lived on Dr. Moore's place?

(Objections.)

A. I don't remember that I did.

Q. You were a candidate on the ticket yourself, were you not, for a member of the school board on the Democratic ticket?—A. My name was on the Democratic ticket for a member of the school board. This was in the election in last November.

Cross-examination:

Q. State whether or not you had written authority or appointment from the registrars to take the applications you did take?—A. I did.

Redirect examination:

Q. You have that written authority and I ask that you attach it to your evidence as Exhibit A.

(Objections.)

A. I have it if it has not been misplaced. I have made a search for it and have not been able to find it and can not therefore attach it to my evidence.

W. P. COWDEN.

ROY E. HEAD, being recalled, says:

Q. You have been examined once before, have you not?—A. Yes.

Q. Do you know of any Republican women in Cleveland that failed to register and vote?

(Objections.)

A. Yes.

Q. Could you tell us about how long that machinery had been running the evening the registrars were there?—A. It had been running something like an hour and one-half before the whistle blew that night after dark.

Cross-examination:

Q. No one prevented the Republicans, of whom you have just testified, from registering and voting in the November election, did they?—A. Not that I know of, except some of them said if they had known it when the registrars were there they would have registered.

Q. They were not kept from registering and voting, were they?—A. No.

Q. On your first examination, is it not a fact that you testified that you did not know how long H. C. Blackwood's mill had been running or whether it had been running at all or not, or in substance that?—A. I said that day.

Q. It is true that the mill, or a part of it, had been broken down during that day, is it not?—A. Yes; I think so.

Q. A part of the mill operated that night until something like midnight, did it not?—A. For awhile; I do not know how long.

Q. What time did you go to the mill, just prior to the time you heard the whistle blown, as testified to by you?—A. I did not go. I was eating supper and stepped out on back porch when the whistle blew, and the mill was running and had been for an hour or two.

Q. When had you noticed the mill being in operation just prior to that time?—A. A little after dark.

Q. Where were you when you noticed it?—A. At home.

Q. What called your attention to it?—A. I live in about a quarter of it and right in sight, too.

Q. State what called your attention to the fact that the mill was running prior to the time you testified about the whistle being blown.—A. I thought some one was probably hurt and walked out to see if the mill shut down, and it did not.

Q. How came you to think that some one was probably hurt?—A. By the peculiar blow of the whistle; and it being after dark, too.

Q. State how you know the mill had been running for an hour or an hour and one-half before you heard the whistle blow.—A. I could hear it.

Q. Is it not a fact that you paid no particular attention to the mill being in operation until you heard the whistle blow?—A. No; they always blow out the flues and change hands; and I noticed the mill starting after that.

Q. What time did Mr. Blackwood get his mill repaired that night before he began the operation of it?—A. I can't say. It was in the evening, before night, I suppose.

Q. Is it not a fact that you were not at the mill and had no personal knowledge of what you are testifying to?—A. I was not at the mill, but I know when I heard it running.

Q. Do you now testify positively that you had been hearing that mill running for one hour or one hour and one-half just prior to the time you heard the whistle blow?—A. Yes; and some of the hands stated that they would get the mill fixed about sundown and would run that night.

Q. At the time you heard the whistle blow, is it not a fact that you do not know whether all the hands were there or not?—A. Just half of them I think; it was either the green or the dry side, I do not know which.

Q. Give the names of those hands you say were present at the time the whistle was blown.—A. I can't do that.

(Mr. Nations says that the witness had just testified that half the hands were working. Mr. Nash, attorney, objects to this insertion in the record on the grounds that it was remarked to Mr. Johnson, and not in anywise connected with this procedure.)

Q. Is it not a fact that you do not know of your own knowledge what hands were at the mill when the whistle was blown, as you have testified about?—A. The hands I had reference to are the ones that told me about it before night and were not the ones at the mill when the whistle blew. They were standing around the store down there, and said they were going to try to get the mill fixed so they could run that night. I do not know the ones who were there at work that night.

Q. On your first examination did you not testify that you did not know whether the mill had been broken down on that particular day or not?—A. I think I said I did not know whether it was running that day or not, as I was not there during the day.

Q. On said examination, in response to the question "Do you know whether or not the heading mill had been broken down that day," that you said "I do not"?—A. I don't remember.

Q. Is it not true that Dr. J. S. Wittmeier told you on the morning of that day that the registrars would register women at Cleveland on that night?—A. No; he did not say anything about it.

ROY E. HEAD.

E. HARMON, being called, says:

Q. Where do you live?—A. Dallas, in Blount County, Ala.

Q. Were you a candidate on the Democratic ticket last fall?—A. Yes.

Q. For what office were you a candidate?—A. Tax assessor.

Q. I will ask you if you registered any persons last fall for the purpose of voting in that election?

(Objections.)

A. No; I was not a registrar.

Q. Did you take the applications for any persons for the purpose of registration?

(Objections.)

A. No.

Q. You did not go to see Mrs. Elijah Wilson and deliver her a registration application blank?

(Objections.)

A. Yes.

Q. Did she give it back to you then?—A. I don't know what she did with it.

Q. Did you take the application of Mrs. John Self?

(Objections.)

A. I gave her a blank.

Q. From whom did you receive those blanks?

(Objections.)

A. Just now I do not recall.

Q. How many persons did you deliver application blanks to before that election?

(Objections.)

A. I could not say; but a very few, some two or three or four in all.

Q. Did you instruct them to mail them to the registrars, after filling them out?

(Objections.)

A. Yes.

Q. And those persons were Democrats, to whom you delivered the applications?

(Objections.)

A. I do not know.

E. HARMON.

R. W. BUCKNER, being recalled, testified as follows:

Q. You stated in your prior examination that the returns of box No. 36, Oneonta, were in box No. 2, or Gum Springs; did you see the returns of Oneonta in box No. 2, or did you see them taken out of box No. 27?—A. No.

Q. When box No. 36, or Oneonta, was opened, were the returns for that precinct in the box for Oneonta precinct?—A. My recollection is they were not in there.

Q. Was search made for the returns of box No. 36?—A. I think so; they went off and came back with them after they had been gone a while.

Q. Was anything said while the count was going on about where the returns of box No. 36 were found? And if so, state what.

(Objections.)

A. Some one said, is the best of my recollection, "We found 36 in No. 2 or with No. 2."

Cross-examination:

Q. How far was you sitting from where the count out was being carried on?—

A. I was out on the outside of the bar, and it was going on; I was some 20 or 25 feet from where the count was going on.

Q. Whom did you hear say, "We found 36 in No. 2 or with No. 2"?—A. I would not be positive, but some one in the house.

Q. Since your examination yesterday have you examined the key to the sheriff's office, which was turned over to Sheriff Nations by you when you went out of office?—A. Yes; I looked at it this morning.

Q. Since refreshing your recollection was that key the key to the main lock of the door or to the night lock?—A. The one that I examined this morning was to the night lock.

Q. Is it not your judgment that that key was the key returned to Sheriff Nations by you?—A. It looks like the key that we had here.

Q. In your judgment, is it the key?—A. I think it was.

Redirect examination:

Q. Was the key that you did turn over to Sheriff Nations the only key that you or your deputies had to the sheriff's office?—A. Yes; that was the only key that either I or my deputies had at that time.

Q. When the door was locked to the sheriff's office with the key that you turned over to the sheriff, could anyone enter the sheriff's office, with keys to the other locks on the door, without breaking this lock or breaking the door?—A. No.

Recross-examination:

Q. What did you do with the two keys which you had that you testified on yesterday that you did not turn over to Sheriff Nations?—A. Some time during my time in the sheriff's office we had trouble with the locks on the door; it seems to me that there was three locks on the door, and we took off one at some time and repaired one. I had a key ring that I had the keys for the courthouse, grand jury room, one jury room, and the sheriff's office on; when I turned over the office to the sheriff I turned over what keys I had.

Q. Is it not true that of your own personal knowledge that you do not know whether some one of your deputies had one of the keys to the night lock which was on the door to the sheriff's office at the time you went out of office or not?—A. I don't think they had any key.

Q. You can not say positively that they did not have, can you?—A. For the reason that I think they did not have a key, if one of them ever came to the

office without seeing me before they came they always had to either send back or come back and get the keys.

Q. Can you explain the whereabouts of the other key to said night lock to said door that was not turned over by you to Mr. Nations?—A. No.

Redirect examination:

Q. Had you ever given any key to the sheriff's office to one of your deputies or allowed them to carry a key to said office?—A. They never carried a key only when they were around the house or at the jail or at the office, and that was my key.

Q. When they finished their business in the sheriff's office did they return their key to you?—A. Yes; I most always carried those keys myself.

R. W. BUCKNER.

Dr. W. C. MILES, being called, says:

Q. State your name and where you reside.—A. W. C. Miles; Cleveland, Blount County, Ala.

Q. Is that in the seventh Alabama congressional district?—A. Yes.

Q. Just prior to the last November election did you register any voters?

(Objections.)

A. No.

Q. Did you take the applications for any parties for registration?

(Objections.)

A. Yes; I took three.

Q. Do you remember their names? If so, state them.

(Objections.)

A. My sister, Mrs. Hugh P. Crump; her daughter-in-law, Mrs. Charles Crump; and Mrs. Henry Jett.

Q. Did you fill out the applications?

(Objections.)

A. I did in the case of my sister and her daughter-in-law; they were both sick in bed.

Q. What did you do in the case of Mrs. Jett?

(Objections.)

A. My recollection is she was sick, but was sitting up, and filled out her own application.

Q. What did you do with these applications?

(Objections.)

A. In the case of Mrs. Crump and her daughter-in-law I brought them to the board of registrars, and Mrs. Jett I am not sure whether I gave it to a member of the board at Cleveland or came over here and gave it to them.

Q. From whom did you receive your authority to take applications for the registration of voters?

(Objections.)

A. From the board of registration.

Q. What is your politics?

(Objections.)

A. Democrat.

Q. Are you a partisan Democrat?

(Objections.)

A. Now, just what do you mean by that?

Q. Do you always vote the Democratic ticket or for the Democratic nominees. It does not differ who they are?

(Objections.)

A. Well, I have never voted anything but a Democratic ticket.

W. C. MILES.

FRIDAY, APRIL 1, 1921.

D. C. RASCO, being called, testified as follows:

Q. State your name and residence.—A. D. C. Rasco, Oneonta, Blount County, Ala.

Q. Is that in the seventh Alabama congressional district?—A. Yes.

Q. Did you reside at Oneonta at the last November election?—A. Yes.

Q. Just prior to the last November election did you register any voters?

(Objections.)

A. No.

Q. Did you take the applications for anyone for registration?

(Objections.)

A. No.

Q. Were you present when anyone other than the registrars for Blount County took an application for registration?

(Objections.)

A. Yes.

Q. Who was it that took the application, and who was the voter or voters?

(Objections.)

A. Dr. N. C. Denton took the application, and the voter was Mrs. Whitley, and one other lady just above Mrs. Whitley whose name I do not remember. I do not remember any other voter whose application was taken by Dr. Denton.

Q. What is your politics?—A. Democrat.

Q. Are you a partisan Democrat?—A. What do you mean by partisan?

Q. Do you vote for everybody nominated on the Democratic ticket regardless of who they are?

(Objections.)

A. There could be somebody nominated on the Democratic ticket that I would not vote for.

Q. Has there ever been anybody nominated on the Democratic ticket that you have refused to vote for?

(Objections.)

A. No.

Cross-examination:

Q. The ladies of whom you have above spoken of, do you know whether or not they voted at the last election?—A. No.

Q. Do you know whether or not Dr. N. C. Denton had written authority to take applications of parties for registration?—A. Yes; he said he had it; I did not see it?

(Objections to answer.)

Q. Do you know whether or not that those applications were turned in to the board of registrars?—A. No.

D. C. RASCO.

GEORGE CLEMENTS, being called, says:

Q. State your name and residence.—A. George Clements, Blount County, beat No. 10, in the seventh congressional district of Alabama.

Q. Were you an election manager in beat No. 10 in the last November election?—A. Yes.

Q. Were there any absentee votes brought or sent to that beat on election day?

(Objections.)

A. Yes.

Q. Who brought those votes?

(Objections.)

A. Mr. Las Whited.

Q. Was he one of the managers of that precinct?

(Objections.)

A. No.

Q. To whom did he deliver the votes?

(Objections.)

A. Mr. Crick Early, Mr. R. S. Early.

Q. What did he do with those votes?

(Objections.)

A. He just slipped them in his pocket.

Q. How many were there of the votes?

(Objections.)

A. There was just one envelope; but two ballots, I suppose; we did not see the ballots; we did not open the envelope.

Q. Did you know who voted the ballots?

(Objections.)

Q. Yes; I knew the names; one was W. T. Ellis and the other one was Albert Ellis. That is the way we understood it.

Q. Were these voters Republicans or Democrats?

(Objections.)

A. Republicans.

Q. Were those votes counted?

(Objections.)

A. No.

Cross-examination:

Q. Where were Albert Ellis and W. T. Ellis when they voted the tickets above mentioned by you?—A. I don't know where they voted, but they lived somewhere in Tennessee.

Q. Did you see them vote those ballots?—A. No.

Q. Did you see the ballots?—A. No; just saw the envelope.

Q. As a matter of fact, you do not know, of your own knowledge, whether there were any ballots in the envelope or not, do you?—A. No. The envelope was not broken.

Q. Do you know, of your own knowledge, where Las Whited got that envelope?—A. No; he said he got it from the probate judge.

Q. Of your own knowledge, you do not know what was in the envelope, do you?—A. No.

Q. How long had W. T. Ellis and Albert Ellis been in Tennessee?—A. They had been there about two months at that time.

Q. Are you a Democrat or a Republican?—A. Republican.

Q. Are you a partisan Republican?—A. No.

Q. Have you ever voted anything but a Republican ticket?—A. No.

Redirect examination:

Q. Where was the home of these two voters at the time of the last November election?—A. Right there in beat No. 10; they both had land there in the beat.

Q. Did this envelope, in which these ballots were supposed to be, have anything written on the back of the envelope?

(Objections.)

A. Yes.

Q. State what it was.

(Objections.)

A. I noticed that there was a right smart of writing on the back of the envelope, but I do not remember what it was.

Q. Was it generally understood there among the managers that this envelope contained absentee votes?

(Objections.)

A. Yes.

Recross-examination:

Q. Where do W. T. Ellis and Albert Ellis now live?—A. They are still in Tennessee.

Q. Are they married or single?—A. Married.

Q. Are their families with them, and were they in November the 2d, 1920?—

A. Yes; but their wives had not been gone but a few days at the time of the election.

Q. Is it not a fact that these parties had moved to Tennessee with their families at the time of the last November election?—A. Yes; their families were with them then. But they had just temporarily moved; they had just taken part of their things, what they had to have.

Q. So far as you know of your personal knowledge, is it not a fact that they had just moved to Tennessee without any intention of returning?—A. They are both coming back; at least that is what they say.

Q. What are they doing up there?—A. W. T. is clerking in a commissary; he was sent from Taits Gap by D. B. Goore Co.; Albert is working for the same company in the mines.

(GEORGE CLEMENTS.)

B. F. NEAL, being called, testified as follows:

Q. State your name and place of residence.—A. B. F. Neal, beat No. 4, Blount County, Ala., in the seventh congressional district.

Q. Did you reside in that precinct in the last election?—A. Yes.

Q. Were you present when the board of registrars was in that precinct immediately before the election?

(Objections.)

A. Yes.

Q. Were you present when one Mr. Nath McCucheon and Mr. Chatam presented themselves to the board for registration?

(Objections.)

A. Yes.

Q. Who did they talk to with reference to their registration?

(Objections.)

A. Mr. John Ketchum.

Q. Were either one of them registered?

(Objections.)

A. Not at that time.

Q. Did the registrars make any statement as to why they could not register?

(Objection.)

A. Yes.

Q. State what was said by the registrars.

(Objections.)

A. They told Mr. McCucheon that he had slept over his rights, that he should have registered before, when he was around; and Mr. McCucheon told them that he was in Akron, Ohio, at that time; and they told him they could not help that.

Q. Did they say anything to Mr. Chatam?

(Objections.)

A. He had been living there for about a year before, and they said the same thing to him. About the same talk to both of them.

Q. Did either one of them vote in the last election?

(Objections.)

A. Mr. McCucheon did.

Q. Did Mr. Chatam vote in the last election?

(Objections.)

A. No.

Q. How long were you around the polls in that precinct in the last election?

(Objections.)

A. I was there practically all day; from the time it opened until night.

Q. How many people did you see at any one time within 30 feet of the polling place that day?

(Objections.)

A. After the polls opened the crowds soon gathered in, and for an hour, at least, at one time there were at least 40 within the schoolhouse where the voting was going on.

Q. Where was the voting place in the building?

(Objections.)

A. The election officers were in one side of the building near the entrance; the building was 24 feet or 28 feet by about 36 feet, something about that.

Cross-examination:

Q. In your judgment about how old is each, Mr. McCucheon and Mr. Chatam?—A. Mr. McCucheon said he was 23 years of age, and I would guess Mr. Chatam was about 55 years of age.

Q. These parties had been living in Blount County for how long prior to said election?—A. Mr. McCucheon was raised in this county; Mr. Chatam, he had made a crop in 1919, where he lived at the time of the election.

Q. Is it not true a majority of the people who gathered around the polls in the early part of the day at said election were Republicans?—A. No; I could not say that; I guess they were mixed up about half-and-half.

Q. In your judgment was said election in that precinct carried on fairly?—A. As far as I know it was.

Q. There was not a crowd immediately in and around where the votes were being cast, except the election officers, was there?—A. Yes; in the early part of the morning when the polls were first opened, everybody seemed to try to vote first and they crowded the house.

Q. The election officers were in the back end of the building and a part of them on the rostrum, were they not?—A. No; they were not in the back end of the building, but part of them were on the rostrum and part of them were off the rostrum.

Q. The rostrum is in the back end of the building, was it not?—A. It is in the back end from the front of the house.

Q. As the people would enter the building to vote, they would enter from the front of the building, would they not?—A. No; they would enter what was known as the primary department and go through a side door.

Q. And then go out the front of the building where they were voting?—A. Pass on out at the front next to the road.

Q. In what part of the building is the door leading from the primary department into the room where the election was being held?—A. You might term it in the northeast corner of the room; it is in the right-hand corner in the rear end from the road, or near the corner.

Q. You do not mean to say that in any one time there were something like 40 persons voting at the same time, do you?—A. No; I did not say that.

Q. You do not mean to say that there were some 40 people at one time mixing in and around the officials of the election?—A. I meant to say that they were from the door where they entered the room to the managers, standing around in there, every fellow trying to vote first, or wanting to vote first.

Q. Is it not true that they were lined up waiting for their turn to vote and only some three or four voting at one time?—A. Only two voted at a time. I did not count it lined up when they were standing in there thick.

Q. This was in the early part of the day?—A. Yes; in the morning.

Q. Is it not a fact that there was a rush for votes in the early part of the day, and after they had crowded in the returning officer required them to get back and not crowd in near the polls?—A. Yes; he tried to get them out but he had poor luck at it for a while. But he finally got them out.

Q. Is it not a fact that those persons that were hard to get out are—a majority of them—Republicans?—A. No; that is not a fact. They were a mixed-up set.

Q. Did you vote for Mr. Rainey or Mr. Kennamer?—A. I voted for Mr. Kennamer.

Q. Is it not true that the Republicans in that precinct or a part of them were advised to vote early at that election?—A. I could not tell you; I was not.

Q. Are you a partisan Republican?—A. What do you call a partisan?

Q. Do you vote the Republican ticket regardless of the nominees on the ticket?—A. I have not made that a practice.

Redirect examination:

Q. How far was the rostrum which you testified about on the cross-examination from the place where the ballots were being deposited?—A. I believe, to the best of my recollection, that the box was down on the floor just at the end of the rostrum.

Q. How far was the primary department door where the voters entered from the place where the ballots were being deposited?—A. As best I remember it was 20 or 22 feet.

Q. When the returning officer was trying to get the people out of the building where the polling place was did the voting stop or did it continue?—A. It went right on.

Q. Who was the first man that got out when the returning officer asked them to do so?—A. I was among the first.

Q. What was the politics of Mr. McCuehon, the man that you referred to before?

(Objections.)

A. He was a Democrat.

Q. What was the politics of the other man you referred to in this examination?

(Objections.)

A. He said he was a Republican.

Recross-examination:

Q. Did you see Mr. McCuehon vote?—A. I saw him get his ticket.

Q. Did you see him mark his ticket?—A. No; I think the other fellow marked it for him.

Q. Did you see the other fellow mark the ticket?—A. No; I did not see him make the mark; I just saw him there with him.

Q. Did you see the ballot returned to the managers and the managers place it in the box?—A. No; I could not swear to that.

Q. Then, of your own knowledge, you do not know whether he voted or not?—A. I just saw him get a ballot, and to the best of my recollections he carried it to Mr. Dick Alldredge and got him to fill it out for him.

Q. You do not testify, as a matter of fact, of your own knowledge, that he voted, do you?—A. I don't know that I would swear that he did, but I saw him take his ticket to one of the managers and file through, out of the house.

Q. To which of the managers did he give his ticket?—A. I think he gave it to Mr. Dick Alldredge.

Q. You did not see him take it to him and give it to him?—A. I saw them there together, and he laid it down there on the desk, or handed it to Mr. Alldredge, but I would not be positive whether Mr. Alldredge took it in his hands or not.

Q. Of your own knowledge, do you know whether Mr. McCucheon voted for Mr. Rainey or Mr. Kennamer?—A. No; I did not see him make out his ticket, nor the other fellow make it out for him. I mean I did not see the marks he made on it.

Redirect examination :

Q. Did Mr. McCucheon tell you what his politics was?

(Objections.)

A. Yes; I have heard him express himself about his politics. He said he was a Democrat and that his daddy was a Democrat and that his mother was a Republican.

Q. Did Mr. McCucheon tell you he was going to vote there that day or that he voted?

(Objections.)

A. He said he was going to vote.

Q. Did he enter the building where the voting was going on?

(Objections.)

A. He went in where the rest of us were voting.

Q. Did he get a ticket?—A. Yes.

Q. Did he carry that ticket to Dick Alldredge?

(Objections.)

A. That is my best recollection.

Q. Then did you see him give that ticket to Mr. Alldredge after it was marked?—A. He carried it to Mr. Alldredge before any marks were put on it.

B. F. NEAL.

R. C. BRYAN, being called, says :

Q. Where do you live?—A. Beat No. 17, Blount County, Ala., in the seventh congressional district.

Q. You voted in the last election?—A. Yes.

Q. Did you register any women to vote just prior to the election last fall?—A. Yes.

Q. How many?—A. I do not remember positively.

Q. What is your political belief?—A. I am a Democrat.

Q. You were not a member of the board of registrars, were you?—A. Nothing more than I was appointed by the board of registrars; I have my commission at home but not with me.

Q. Can you give me the names of any women that you registered?

(Objections.)

A. Mrs. Rosetta Foister, Mrs. Bula Norris, Mrs. Joyce Foister, a Novella Timmerman, Grady Shearer; I believe these are all I can remember. But neither one of these voted in the general election.

Cross-examination :

Q. When you state that you registered the above-named parties, do you mean that you registered them or took their applications for registration?—A. I took their applications and furnished them with a receipt.

Q. You state that none of these parties voted at the general election in November?—A. Absolutely they did not.

R. C. BRYAN.

R. C. BRYAN, being recalled, says :

Cross-examination :

Q. When you took the application of the parties you have named above, what did you do with them?—A. I brought them to board of registration and got their registration certificates and delivered them back to the parties; this is what I mean by receipts.

Q. Who issued the registration certificates?—A. Mr. John Ketchum, one of the board.

Q. This written authority you say you have, was that for the purpose of authorizing you to take applications for registrations?—A. Yes.

Redirect examination:

Q. Were you one of the officers of the election of November the 2d, 1920?—A. No.

Q. What time did you go to the polls and what time did you leave? (Objections.)

A. The best I remember it was about 3 o'clock in the afternoon when I went to the polls, and was only there just a few minutes. I do not think I was at the polls there 20 minutes during the election; in fact, I was the last man voted.

Q. Did you see anybody else vote besides yourself?—A. No.

R. C. BRYAN.

J. C. McCONNELL, being called, says:

Q. Where do you live?—A. Royal, Blount County, Ala.

Q. You voted in the last November election, did you not?—A. Yes.

Q. Did you register any people out there just before the election last November?—A. No.

Q. Did you take the applications of any?—A. No.

Q. Do you know how Mrs. Ben Irvin and Mrs. Hulda Graves were registered?—A. No.

Q. Were you with Mr. Bryan at any time when he took the application of any person for registration?

(Objections.)

A. Yes; I reckon I was.

Q. Whose application did you see him take?

(Objections.)

A. I never saw him take any except Grady Sherrer.

Q. Were you present when a registration certificate was offered to Mrs. Norris and she refused to take it?—A. Yes.

Q. Are you a Democrat or a Republican?—A. Democrat.

Cross-examination:

Q. Was that registration certificate or the application for registration that you speak of?—A. It was the application, I suppose.

Q. Did she take the application?—A. No.

Q. Were you a manager of said election in Royal precinct?—A. Yes.

Q. State whether or not the Republicans of that precinct made an unusual rush to vote in the early part of the day at said election?—A. Yes. About 35 of them voted first.

Q. Was that before any Democrats voted?—A. Yes.

Q. About how many Republicans voted in that precinct at that election?—A. I do not remember the exact number, but there were about two Democrats to one Republican voted.

Q. State whether or not a majority of the Republicans in that precinct voted in the early part of the day in said election.—A. They did.

Q. State whether or not the Democrats of that precinct made any unusual rush to vote in the early part of the day at said election.—A. No.

Redirect examination:

Q. There were plenty of ballots at that box for all voters were there not?—A. For the general tickets there were, but in the amendment the tickets gave out about 1 o'clock.

Q. Who was it that offered Mrs. Norris that application or certificate and she refused to take it?—A. It was Mr. R. C. Bryant.

Recross-examination:

Q. You have just stated that there were plenty ballots for said precinct for the general election; state whether or not there were sufficient in the box that was originally sent, or that an extra supply was sent to that precinct just prior to election day.—A. There was not a sufficient supply in the box, and Mr. George Bynum brought the ballots in and laid them down on the table.

Q. The ballots that Mr. Bynum brought in, were they an additional supply?—A. Yes.

Redirect examination:

Q. Mr. George Bynum is one of the leading Democrats in that precinct, is he not?—A. Yes.

Q. Who brought the ballot box in?—A. I don't remember who brought the box; Mr. Bynum brought the tickets in separate from the box.

Recross-examination:

Q. This Mr. George Bynum was the returning officer at that box, was he not?—A. Yes.

J. C. McCONNELL.

STATE OF ALABAMA, *County of Etowah:*

Personally appeared before me, J. S. Franklin, a notary public in and for said State and county, and duly authorized commissioner to take depositions of witnesses for C. B. Kennamer, contestant against L. B. Rainey, contestee, in the election held for the election of a Congressman in the seventh congressional district of Alabama, on the 2d day of November, 1920, the witnesses whose names are mentioned in and who subscribed to the following depositions, said witnesses having been by me first duly sworn to speak the truth on said examination, testified as follows, to wit:

Alto V. Lee, attorney, of Gadsden, present and representing L. B. Rainey, contestee.

Thomas H. Stephens, attorney for C. B. Kennamer, contestant, was present and represented C. B. Kennamer.

J. E. MARBUT, being called, testified as follows:

Q. In what precinct in Etowah County, Ala., do you reside?—A. In Reeves, precinct No. 19.

Q. Is Reeves precinct a Republican or Democratic beat?—A. Mixed.

Q. Who generally carries the beat, the Republicans or Democrats?—A. In the last election the Republicans carried it; generally it is carried by the Republicans.

Q. How far is Reeves beat from the courthouse in Etowah County?—A. I would say 13 miles.

Q. Did the registrars visit the beat for the purpose of registering women before the last election?—A. If they did, I did not find it out.

Q. Do you know of any Republican women in Reeves beat that would have registered if they had had a reasonable opportunity?

(Objections.)

A. They could have come to Gadsden and registered; this would have been the only chance, so far as I know.

Q. How many Republican women in Reeves beat that you knew of that did not register?

(Objections.)

A. I would be safe in saying that there were 16.

Q. Did any Republican women in Reeves beat register?—A. No.

Cross-examination:

Q. Reeves beat joins Hokes Bluff beat, does it not; also Ball Play?—A. Yes.

Q. The registrars were in Hokes Bluff and Ball Play both for the registration of women, did they not?—A. If they ever sat there for the registration of women, I do not know it; and if I have heard of it, I do not now remember it.

Q. Do you take the Gadsden daily papers?—A. I take the Times-News.

Q. Is it not a fact that the notice was published in the Gadsden Times-News that the registrars would sit in Hokes Bluff beat and Ball Play beat for the purpose of registering women?—A. If it was, I did not see it.

Q. You knew of the registration in Gadsden for practically a week?—A. Yes.

Q. That was pretty generally known in Reeves beat, was it not?—A. Yes; the people of the beat knew that they could come to Gadsden to register, and what did register came there to register.

Q. It is a fact that the reason why the women in Reeves beat did not register is because they did not want to come to Gadsden to register?—A. They could have come to Gadsden and registered if they had wanted to.

Q. How many women in your family of voting age?—A. One; my wife.

Q. Did she know of the registration in Gadsden?—A. Yes; I brought her down here and tried to get her to register and she would not; she does not believe in women voting.

Q. Were there any Democratic women in Reeves beat who did not register?—A. Yes.

Q. About how many would you say?—A. I would guess there were 15 or 20; there were not but 7 women registered in the beat.

Q. Did you vote the Democratic or Republican ticket?—A. I voted the Republican.

Redirect examination:

Q. The seven women who did register were Democrats, were they not?—A. Yes.

Q. In your judgment, are there more Republican women in the beat than there are Democrats?—A. Yes.

J. E. MARBUT.

Mrs. WILLE STEPHENS KIRK, being called, testifies as follows:

Q. Where do you reside?—A. In Attalla, Etowah County, Ala.

Q. How long has Attalla been your residence?—A. It has been my residence practically all my life; I have been out of the State for a short while, but Attalla was my residence.

Q. Did you go into Mexico about January 15, 1915?—A. Yes; either 1915 or 1916.

Q. When you went into Mexico did you get a passport?—A. Yes.

Q. Did you, when you went into Mexico, give Attalla, Ala., Etowah County, as your permanent residence?—A. Yes; Attalla, Ala., care of John J. Stephens.

Q. What time did you come out of Mexico the last time?—A. The first time was August, 1919, and the second time September 9, 1920, which was the last time. And I have been there ever since.

Q. Did you ever move your citizenship from Attalla, Ala.?—A. No.

Q. You still claim Attalla, and did you claim it on November 2 last as your place of residence?—A. Yes.

(It is admitted by the attorneys representing the contestant and contestee that Mrs. Wille Kirk, the witness, has her passports showing Attalla, Ala., as her permanent place of residence and Los Mochis, Linaboa, Mexico, as her temporary residence.)

Q. Did you register and vote in the November election last?—A. Yes; I registered and showed my passport to the registrars.

Cross-examination:

Q. Did you vote in the November election?—A. Yes.

Q. Did you vote for Mr. Kennamer or Mr. Rainey?—A. I voted the straight Republican ticket.

WILLE STEPHENS KIRK.

ANDERSON W. WHITT, being called, says:

Q. In what precinct do you live?—A. Short Creek, No. 21, Etowah County, Ala.

Q. Do you know of any Republican women in Short Creek beat who did not have any opportunity to register and would have registered if they had had a reasonable opportunity to have done so?—A. Yes; I know of three.

Cross-examination:

Q. The registrars sat at Mountainboro, which joins Short Creek, did they not?—A. Yes.

Q. They also sat for the purpose of registering women at Gadsden, did they not?—A. Yes.

Q. Did these three women you speak of know about the registration?—A. They claimed they did not know about the registration at Mountainboro, but I suppose they knew about Gadsden.

Q. It was pretty generally known in Short Creek beat that the registrars were sitting at Gadsden, was it not?—A. Yes.

Q. There were cars or trucks used by the Republicans to haul the women from Short Creek beat to Gadsden?—A. There were some cars, but I do not think there were any trucks.

Q. Do you know of any Democratic women in Short Creek who did not register?—A. No.

Q. Did not practically all of the women of both parties in Short Creek beat register?—A. Yes; I think they registered them pretty clean.

Q. Do you know why these three did not come to Gadsden to register?—A. Two of them did not have any opportunity to come, and I suppose the other one did not want to come.

Q. Those two just told you they did not have an opportunity, did they not?—A. Yes.

Q. There is a passenger train that comes to Gadsden and returns twice a day, that passes through Short Creek beat and makes stops for passengers in said beat or at places easily accessible to said beat, is there not?—A. The railroad only touches Short Creek beat at one point.

Q. How far do these two ladies you mentioned live from the nearest railroad station?—A. One lives about 4 miles and the other one 5.

Q. Could they have gone to the railroad station and come to Gadsden and registered and returned in the same day?—A. Yes; they could come down in the morning and go back at night.

Q. Those two women knew they were registering in Gadsden at the time of registration, did they not?—A. Yes; they started to come on the last day and the car was loaded.

Redirect examination:

Q. How far do these two ladies live from the courthouse?—A. About 20 miles.

ANDERSON W. WHITT.

G. W. PALMER, being called, says:

Q. Where do you live?—A. I live in beat No. 14, in Cherokee County, Ala.

Q. How many voting precincts in Cherokee County?—A. There are 24.

Q. How many precincts did the registrars in that county visit for the purpose of registering voters outside of Center?—A. Four.

Q. Were all of those precincts Democratic?—A. Yes; I think so.

Q. Do you know of any Republican women in Cherokee County who did not have an opportunity to register?

(Objections.)

A. Yes; I know of quite a number.

Q. How many do you know of?—A. There are 31 in beat No. 14 that failed to register.

Q. How far is beat No. 14 from the courthouse in Cherokee County?—A. Sixteen miles.

Q. What other beats do you know about?—A. Twenty-one, Blanch beat; there are 25 Republican women who did not register. And there are 30 in No. 16.

Q. Have you seen all these women and have their names and post-office addresses?—A. Yes.

Q. If they had had an opportunity to have registered, would they have voted the Republican ticket or the Democratic ticket?—A. They say they would have voted the Republican ticket.

Q. Did you, or do you know, how many in the other beats in the county who did not have an opportunity to register?—A. No.

Q. How far is it from the courthouse in Cherokee County to the other two beats you mentioned?—A. Beat 16 is 23 miles from the courthouse, and the other one, 21, is 19 miles from the courthouse.

Cross-examination:

Q. What position, if any, do you hold with the Republicans in Cherokee County?—A. I am chairman of the executive committee.

Q. Do any of the beats just mentioned by you adjoin any of the beats visited by the registrars?—A. Beat 16 adjoins Broomtown beat, where the registrars sat, but neither beat had any notice of the sitting; the other two beats did not adjoin any beat visited by the registrars.

Q. How long before the registrars visited Broomtown beat did you know about the registration there?—A. The day before.

Q. Was Broomtown the first beat the registrars visited?—A. No; they visited Sandrock first.

Q. Did you not know of the registration in Broomtown before they visited Sandrock?—A. No.

Q. Is it not a fact that you gave to one of the registrars, Mr. Giles McCullough, the information that the registrars would register voters at Sandrock?—A. Yes; I went by there and advised him to meet the other registrars at Sandrock.

Q. At that time you knew of all the appointments made by the registrars in Cherokee County?—A. No; Mr. McCullough told me when I got there.

Q. Did not Mr. Mitchell, one of the registrars, advise you of the appointments of the board of registration?—A. None, except Sandrock.

Q. Do you remember seeing Mr. Mitchell at Center the day the supplies were received?—A. Yes.

Q. Did he not on that day notify you of the appointments of the registrars at Sandrock, Gaylesville, Broomtown, and Spring Garden?—A. The only information he gave me was to tell Mr. McCullough to meet him at Sandrock the next day at noon.

Q. Did he not request you to assist the registrars in advertising and making known the dates of these appointments?—A. No.

Q. Who was present with you at the time you were talking with Mr. Mitchell?—A. I do not remember just who was present; there were quite a number of people there.

Q. Were Mr. Brock and Mr. Franklin there?—A. I don't remember whether Mr. Brock was there or not; Mr. Franklin was there.

Q. Is it not a fact that Mr. Brock made a note in Mr. Franklin's daybook of the time and places of registration?—A. If he did I do not know anything about it.

Q. Is it not a fact that you told Mr. Mitchell that you would see to it that the registration was well advertised in that end of the county, and go back home and get your folks out to Gaylesville?—A. No; I never told him any such thing.

Q. You were one of the first ones to know of the appointment at Sandrock?—A. I do not know who knew about it; Mr. Mitchell told me the day they got their supplies to tell Mr. McCullough to meet him there.

Q. Mr. McCullough told you of the other appointments the day you saw him?—A. I would not be positive about all of them, but he told me about some of them.

Q. Do you know what the vote was in each of the four precincts named by you in your direct examination as between Mr. Kennamer and Mr. Rainey?—A. I only named three; I could not give the exact number each one received.

Mr. Kennamer carried No. 14 by a small margin—1 or 2 votes. Mr. Rainey got 2 to Kennamer's 1 in No. 16; in No. 21 Rainey got more than 2 to 1.

Q. Are you positive that Mr. Rainey carried the four beats in which the registrars sat for registration?—A. Yes; he carried each one of them, but it was close in Broomtown.

Q. How many out of the 24 beats did Mr. Kennamer carry?—A. I could not answer that now.

Q. What is your best judgment?—A. I would guess Kennamer carried more than half of the precincts.

Q. Do you know of your own knowledge that the number of women enumerated by you in your direct examination as not having an opportunity of registering did not have an opportunity to register?—A. That is what they stated to me. This is all the information I have.

Q. When did you interview these women?—A. At different times I have interviewed some of them, but I made a special call upon some of them and inquired of them. I am pastor of the church in 16 and know of the people there.

Q. Did you talk to all of the women that you have enumerated about their opportunities to register?—A. Yes.

Q. Why did they not have an opportunity to register?—A. They had no notice of the sitting of the registrars at Broomtown, and it was such a remote point from Center that they could not get there.

Q. Did they have notice of the sitting at Center for a week?—A. Yes.

Q. Did these women or their husbands have conveyances?—A. Some of them did and some of them did not. Some of them were widow women.

Q. Is it not a fact that the Republicans of Cherokee County hired cars to bring the women into Center to register?—A. There were some from 14, but none from 16, nor 21.

Q. Is it not a fact that these cars were hired to be used by the Republicans to go into any beats that they might be sent by the Republicans?—A. I could not answer that positive, for I do not know.

Q. Did you hire or attempt to hire any cars for this purpose?—A. No.

Q. Is it not a fact that Mr. Franklin, from Dekalb County, and Mr. Kennamer, the brother of Mr. C. B. Kennamer, were in Cherokee County during the period of registration and looking after the registration of the Republican women together with other Republicans?—A. I don't know about Mr. Franklin; Mr. Kennamer, I suppose, was.

Q. How long did Mr. Franklin remain after your conversation with Mr. Mitchell on the day the supplies were received?—A. He did not remain but a little while; I do not remember.

Q. Did you talk to the women enumerated by you since the election or prior thereto?—A. Before and since.

Q. You stated that you knew of the registration at Center and other places?—A. Yes; I knew about it.

Q. Did you not tell all of the women enumerated by you that you talked to before the registration closed about the registration?—A. Yes.

Q. Were there any Democratic women in Cherokee County that did not register?—A. I suppose there were, but I do not know of any.

Q. Were there any in beat 16, in which you live?—A. If there are any I do not know of it.

Q. Did the Democratic women have any better opportunity, as a rule, to register than the Republican women?—A. The opportunity proved better, because they registered them after night.

(Motion to exclude because not responsive.)

Q. Were you present when the registrars registered anybody at night?—A. No.

Q. Then all you know about their registering at night is what you heard?—A. Yes.

Q. Do you know, of your own knowledge, of any Republican women being refused the right to register at any of these night meetings?—A. No.

Q. As a rule, the Republican women of Cherokee County had an equal opportunity, in so far as conveyances are concerned and in so far as the distance from the place of registration is concerned, as did the Democratic women of Cherokee County?—A. Yes; I think so.

Q. The leaders of the Republican party had notice of the registration for a week at Center, did they not?—A. Yes.

Q. It was also published in the Coosa River News, a paper published in Cherokee County, and that has general circulation in the county?—A. I don't remember whether it was published in the paper or not. I take this paper and it is a weekly paper, published on Thursday.

Q. Do you know, of your own knowledge, whether any of the women that were enumerated by you were registered or voted?—A. I know they did not.

Q. You were not present all the time that the registrars were in session in Center, were you?—A. No.

Q. Then, so far as you know, of your own knowledge, they may have registered in Center?—A. They are not on the registration list.

Q. Have you examined all the names on the registration list?—A. Not all of them, but I know they are not on the lists for those precincts.

Q. Were you present at the voting place at the precincts named by you on election day?—A. No; except the one in which I live.

Q. Then, within your own knowledge, you could not say whether any of these women voted or not?—A. I only have their word for it that they did not.

Redirect examination:

Q. Are all of the women that you mentioned as not having an opportunity to register—are they white women?—A. Yes.

Q. Are they all over 21 years of age and otherwise qualified to register?

(Objections.)

A. They say so.

Q. Are you a minister of the gospel?—A. Yes.

Recross-examination:

Q. Are you active in politics?—A. I could not say that I am.

Q. You hold a position as head of the Republican Party in Cherokee County, do you not?—A. Yes.

Q. All you know about these women's opportunity to vote and their qualifications as voters is what they told you?—A. Yes.

Redirect examination:

Q. Have you got a list of the women you examined in all the beats you have mentioned?—A. Yes.

Q. Is this list on this paper the names of the women voters in beat No. 21 that failed to register that you saw?

(Objections.)

A. Yes.

(Attorney for contestant offered the list testified about, marked "Exhibit A," to the testimony of witness, to which attorney for contestee objected.)

Q. After conferring with these women did you prepare this list yourself?

(Objections.)

A. Yes.

Q. Attorney for contestant then offered list of registered females for beat No. 21, Cherokee County, which is certified by the probate judge on the 29th day of March, 1921, marked "Exhibit B," to the testimony of G. W. Palmer.

(Objections.)

Q. Did you take a list of the women in beats No. 14 and No. 16 after you had consulted with them, and are these lists Nos. 14 and 16, respectively, those lists?

(Objections.)

A. Yes.

(Contestant then offered the lists as testified to by witness, marked "Exhibit C." to the testimony of G. W. Palmer.)

(Objections.)

(Contestant then offered the certified lists of the registered female voters of beats Nos. 14 and 16, certified to by the probate judge of Cherokee County, March 29, 1921, marked "Exhibit D," to testimony of G. W. Palmer.)

(Objections.)

Recross-examination:

Q. When did you make out the lists of the women who did not register?—A. I made out some last week and some this week.

Q. Did you make the list from memory?—A. No; I made the lists as I visited the homes and talked with them.

Q. Did you visit the homes of all the women on those lists during last week and this week?—A. Yes; practically all of them.

Q. Did you testify in Center when the contestant took his direct testimony in this contest?—A. No.

Q. Were you in Cherokee County during the time?—A. Yes.

G. W. PALMER.

WES WATTS, being called, says:

Q. Where do you live?—A. In Cherokee County, Ala., near the town of Center.

Q. Are you acquainted with the people pretty well in Cherokee County?—A. Yes; fairly well; I have been there 50 years.

Q. Are you acquainted with the people in beat No. 2 and beat No. 7, in Cherokee County?—A. Yes. Beat No. 2 is Forney; I don't know the name of beat No. 7.

Q. How far is beat No. 2 from the courthouse in Cherokee County?—A. Ten miles.

Q. How far is beat No. 7 from the courthouse?—A. Some 7 or 8 miles.

Q. Do you know any women in those two beats that did not have any opportunity to register?

(Objections.)

A. Yes; they said they had no opportunity to register. I do not know.

Q. Are they Republican or Democratic women?—A. Their people said they were Republican.

Q. Do you remember how many there were in beat No. 2?—A. There were ten or a dozen.

Q. Is this the list of the names of the parties in beat No. 2 that you got?

(Objections.)

A. Yes.

Q. Is this the list of beat No. 7 that you got?

(Objections.)

A. Yes.

Q. Beat No. 7 has 37 names on it; are those the ones that failed to register?
(Objection.)

A. Yes; that is what their people told me.

Q. This is the list that you prepared of the women that failed to register in those two beats?

(Objections.)

A. Yes.

(Contestant offers the list of the names of the women in beat No. 2 and beat No. 7 who failed to register, marked "Exhibit E," to the testimony of the witness.)

(Objections.)

(Contestant also offers the list of registered female voters in precinct No. 2 and precinct No. 7, in Cherokee County, Ala., and certified to by J. L. Savage, judge of probate of Cherokee County on the 29th day of March, 1921, marked "Exhibit F.")

(Objections.)

Are all of these women on this list white women?—A. Yes.

Q. Are they over the age of 21 years?—A. They said they were, and some of them looked it.

Cross-examination:

Q. How old are you, Mr. Watts?—A. Seventy-one.

Q. Do you operate a typewriter?—A. No.

Q. Then, the list offered as an exhibit to your testimony was not made out by you?—A. It was dictated by me; I called the names as I had taken them.

Q. Did you talk to all of these women?—A. No.

Q. All you know about their not having an opportunity to register is what they told you and what you heard?—A. Yes.

Q. When did you obtain this information?—A. Wednesday and Thursday, I believe it was.

Q. Do you know whether or not any of these women applied to the board of registrars for registration?—A. They said they did not, for they had no chance; some of them went to the courthouse and they told them they were too late.

Q. You mean by that they went to the courthouse after the registration books were closed?—A. Yes.

Q. Did they tell you how it was they did not have a chance to register?—A. Yes; they said they expected the registrars to make an appointment there in their beat and they just run through and did not stop and register any of them.

Q. There was no notice published by the registrars that they would register in beat No. 2 or beat No. 7, was there?—A. Those people said there was none.

Q. Did they tell you why they could not register during the week that the registrars held a session in Center, when they only lived from 7 to 10 miles from Center?—A. They claimed to have no notice of the time and place.

Q. It was generally known throughout the county that the registrars would sit at Center for a week for the purpose of registering the women, was it not?—A. I do not think it was generally known; they claimed not to.

Q. Is it not a fact that both parties were busy and active in getting the women of the county who had not registered to register at Center during the week that the registrars were at Center for the purpose of registering women?—A. I think it was.

L. WES WATTS.

STATE OF ALABAMA, *County of Cullman*:

Personally appeared before me, J. S. Franklin, a notary public and duly commissioned commissioner to take depositions in behalf of C. B. Kennamer, contestant, wherein the said C. B. Kennamer is contesting the certified election of L. B. Rainey, contestee, for Congressman from the seventh congressional district in Alabama, in the election held in said district on the 2d day of November, 1920, the witnesses whose names are mentioned in and who signed the following depositions, and after being duly sworn by me to speak the truth deposed and said as follows:

Present and representing C. B. Kennamer, contestant, T. H. Stephens, attorney, of Gadsden, Ala.

Present and representing L. B. Rainey, contestee, W. E. James and Wave Scott, attorneys, of Cullman, Ala.

TUESDAY, APRIL 5, 1921.

Contestee objects to the taking of these depositions in accordance with the notice of the time and place of taking same, a copy of which is hereto attached, and for grounds assigns—

First. That the 40 days allowed by law for the taking of the depositions of contestee has not expired at the present time.

Second. That these depositions are taken before the time allowed by law in 10 days after the expiration of the time allowed contestee in which to take his depositions.

Third. That the time for the taking of the depositions of contestant in direct testimony has expired and contestee will have no opportunity to rebut the evidence secured by the taking of these depositions at this time and place.

Fourth. Because these depositions are not taken in accordance with the law.

Mrs. VANIE WILLIAMS, being called, testified as follows:

Q. Do you reside in Cullman County, Ala.?—A. Yes.

Q. In precinct No. 9?—A. Yes.

Q. Have resided in the State of Alabama for more than three years?—A. Yes.

Q. Had you resided in Cullman for more than one year prior to the last registration?—A. Yes; I guess so.

Q. Do you know what time you moved to Cullman County?—A. I was born and reared here; never have been anywhere else.

Q. Did the registrars sit in this precinct for the purpose of registering voters?—A. No; I don't suppose they did; I did not have any notice of it.

Q. If you had had a reasonable opportunity to have registered, would you have registered?

(Objections.)

A. I don't suppose I would, for I always thought that was out of the women's line of business.

VANIE WILLIAMS.

Mrs. DOLLIE STRICKLAND, being called, says:

Q. How long have you lived in Alabama?—A. I have been here all my life, and I was over 21 years of age on the 2d day of last November.

Q. Did you have any notice of the registrars sitting your beat for the purpose of registering women?—A. No; I had no notice of it.

Q. How far is it to Cullman?—A. Twenty-four miles. I think they call it.

Q. If you had had a reasonable opportunity to have registered, would you have registered?

(Objections.)

A. I expect I would at that time.

Q. Would you have voted a Republican ticket or a Democratic ticket?—A. I would have voted a Republican ticket straight.

Cross-examination:

Q. Would you register now if you had a reasonable opportunity?—A. No; I don't suspect I would now.

Q. You don't think that is a woman's place to register?—A. No.

Q. Do you take the county papers?—A. No.

Q. Did you have any notice that the registrars were sitting at the courthouse for the purpose of registering voters?—A. I hear that they were, but I could not go.

Q. You did not make any effort to go, did you?—A. No.

Mrs. DOLLIE (her x mark) STRICKLAND.

Witness:

J. S. FRANKLIN.

Mrs. NETTIE STRICKLIN, being called, says:

Q. How long have you resided in Cullman County, Ala.?—A. I was born and reared here.

Q. Was you over 21 years of age at the time of the last registration?—A. Yes.

Q. Did you have any notice of the registration of women voters?—A. No.

Q. How far is it from your house to Cullman?—A. About 24 miles, or near that.

Q. If you had had a reasonable opportunity to have registered, would you have registered?—A. I think I would at that time; I had a notion of it. I could not say.

Q. Would you have voted the Republican ticket or the Democratic ticket?—A. Republican.

Cross-examination:

Q. You would not register now if you had an opportunity, would you?—A. No; I would not.

Q. You don't believe in women voting and think a woman is out of her sphere when she gets into politics?—A. Yes.

Q. You know they were registering people at the courthouse?—A. I don't remember now; my husband was talking about them registering at Bremen, but we did not have time to get there when we heard it.

Q. You had notice of their registering after that at the courthouse in Cullman?—A. If I did I do not remember it.

Q. Do you take the county paper?—A. No.

Mrs. NETTIE STRICKLIN.

BEN HUFFMAN, being called, says:

Q. Do you reside in beat No. 9 in Cullman County, Ala.?—A. Yes.

Q. What notice, if any, did the registrars give of registering women in this county?

(Objections.)

A. I take the county papers, and the only notice I saw was the registration at the courthouse.

Q. Are you well acquainted in precinct No. 9 and know the people?—A. Yes; I have been there about 18 years.

Q. In your judgment, about how many Republican women in precinct No. 9 failed to register for want of opportunity?

(Objections.)

A. My judgment is about 20 women who are Republicans.

Cross-examination:

Q. How many Democratic women failed to register for lack of opportunity?—

A. In my judgment, about 11 or 12.

BEN HUFFMAN.

Mrs. MATTIE HUFFMAN, being called, testified as follows:

Q. How long have you lived in Cullman County, Ala.?—A. I was born and reared in the county and have been in this beat 18 years.

Q. You were over 21 years of age at the last election in November, were you not?—A. Yes.

Q. All of the women in this precinct are white women, are they not? A. Yes.

Q. Did you have any notice of the registration of women in this end of the county?—A. No.

Q. If you had a reasonable opportunity to have registered, would you have registered?—A. No.

Q. If you had registered, would you have voted a Republican ticket?—A. I don't think I would have registered.

Mrs. MATTIE HUFFMAN.

Mrs. ADDIE STRICKLIN, being called, says:

Q. How long have you resided in Cullman County, Ala.?—A. I was born and reared here, and have lived in this precinct about all my life, I reckon.

Q. Did you have any notice of the registration of women in this end of the county?—A. No.

Q. You were over 21 years of age on the 2d day of last November?—A. Yes.

Q. If you had had a reasonable opportunity to have registered, would you have registered?

(Objections.)

A. Yes.

Q. Would you have voted a Republican or Democratic ticket?—A. Republican.

Cross-examination :

Q. You knew about the registrars being at Bremen, did you not?—A. Yes ; I knew it, but I was not able to go.

Q. How far is it from here to Bremen?—A. Four miles, they call it.

Q. How far is it from here to the voting place in this precinct?—A. It was about 2 miles, I think.

Q. You knew about the registrars sitting at the courthouse, did you not?—A. Yes ; but I could not get there ; I was sick.

Q. You would not have been able to have gotten to the voting place in this precinct if the registrars had met there to register voters, would you?—A. I would have tried it.

Q. You did not try to go to Bremen, did you?—A. No ; I did not try to go.

Redirect examination :

Q. What notice, if any, did you have that the registrars were going to be at Bremen for the purpose of registering women?—A. Some one just told me ; I heard several talking about it.

Mrs. ADDIE (her x mark) STRICKLIN.

Witness :

J. S. FRANKLIN.

Mrs. ADDIE AARON, being called, says :

Q. How long have you resided in Cullman County, Ala.?—A. About 20 years.

Q. About how long had you resided in precinct No. 9 before the last election?—A. I have resided in this precinct all the time.

Q. Were you over 21 years of age at the last election?—A. Yes.

Q. Did you have any notice of the registrars sitting in this end of the county for the purpose of registering voters?—A. No.

Q. If you had had a reasonable opportunity to have registered, would you have registered?

(Objections.)

A. I expect I would.

Q. Would you have voted a Republican ticket or a Democratic ticket?—A. Republican.

Cross-examination :

Q. You did not care anything much about registering, did you?—A. I don't know much about it.

Q. You would not register now, if you had the opportunity, would you?—A. I guess I would.

Q. Do you take the county newspapers?—A. We take the Democrat.

Q. Did you see the registration of women voters at the courthouse in that paper?—A. Yes.

Q. You did not make any effort to go to Cullman to register, did you?—A. No.

Q. Did you know about the registrars being at Bremen?—A. No ; not until they were gone.

Redirect examination :

Q. How far is it from your house to the courthouse?—A. Twenty-three miles, I think.

Q. Are the roads good or bad?—A. Pretty bad, I think, most of the time.

ADDIE AARON.

J. L. WILLINGHAM, being called, says :

Q. How long have you resided in Cullman County, Ala.?—A. It will be three years a week before Christmas—next Christmas.

Q. Where did you move from to Cullman County?—A. Walker County, Ala.

Q. Had you lived in precinct No. 9 in Cullman County, Ala., for more than one year prior to the last election?—A. Yes.

Q. Did you have any notice of the registrars sitting in this end of the county for the purpose of registering voters?—A. Yes. It came out in the papers that they would register here at Coal Springs in beat No. 9 in the forenoon and at Bremen in the afternoon.

Q. Did they register at Coal Springs in beat No. 9 in the forenoon?—A. They did not. I went over there.

Q. About how many people were there for the purpose of registering?—A. I did not see anyone.

Q. If they had been there, would you have registered?—A. I would.

Q. Would you have voted a Republican ticket or a Democratic ticket?—A. Republican.

Cross-examination:

Q. You did not make any other efforts to register, did you?—A. No; I was in business there and could not go off any distance.

Q. Did you pay all your back poll tax due before the last general election?—A. I sure have.

Q. When did you pay them?—A. Paid them as they came due.

Q. Did you hear about the registrars being at Bremen for registering voters?—A. Yes.

Q. You did not make any effort to go down there?—A. I did not.

Q. How long did you live in Walker County before moving here?—A. Twenty years.

Q. How many times did you vote in that county?—A. Ever since I was 21.

J. L. WILLINGHAM.

SAM AARON, being called, says:

Q. How long have you resided in Cullman County, Ala.?—A. Sixteen years.

Q. Are you well acquainted with the people in precinct No. 9?—A. Yes; pretty well.

Q. In your judgment, how many Republican voters in this precinct, including the women, failed to register on account of an opportunity?

(Objections.)

A. Over 20.

Cross-examination:

Q. How many voters failed to register because of an opportunity?—A. I guess there were 10 or 12.

SAM AARON.

G. W. STRICKLIN, being called, says:

Q. How long have you resided in precinct No. 9?—A. I moved here about the 20th of November, 1920.

Q. Where did you live prior to that time?—A. I have been living in the Bremen beat, in Cullman County, about seven years.

Q. Did the registrars give any notice—if so, what kind—that they were going to register voters at Bremen?—A. I reckon they gave notice, but I never heard it.

Q. Did the people generally in that beat know anything about the registration?—A. I could not tell; I did not hear anything about it until it was over.

Q. You moved to this county from Walker County, Ala., and had been living in this county for more than 12 months prior to the last election?—A. Yes.

Q. If you had had an opportunity to have registered, would you have registered in this county?

(Objections.)

A. Yes.

Q. Would you have voted a Republican ticket or a Democratic ticket?—A. I would have voted a Republican ticket straight.

Cross-examination:

Q. You have lived in this county about 12 years, have you not, since you moved here from Walker County?—A. Yes.

Q. And you have never registered in this county?—A. No.

G. W. (his x mark) STRICKLIN.

Witness:

J. S. FRANKLIN.

Mrs. MINTY STRICKLIN, being called, says:

Q. How long have you resided in Cullman County, Ala.?—A. I was born and reared here.

Q. Were you more than 21 years of age on the 2d day of last November?—A. Yes.

Q. Did you have any notice of the registration of voters in this end of the county?—A. No.

Q. If you had had a reasonable opportunity to have registered, would you have registered?

(Objections.)

A. Yes.

Q. Would you have voted a Republican ticket or a Democratic ticket?—A. I would have voted a Republican ticket straight.

Q. How far is it from your house to the courthouse?—A. They call it about 24 miles; I do not know.

Cross-examination:

Q. You knew about the registrars registering voters at the courthouse?—A. No.

Q. Did you not hear about them being at Bremen?—A. No.

Q. Do you take either of the county newspapers?—A. No.

MINTY STRICKLIN.

Miss DEBIE STRICKLIN, being called, says:

Q. How long have you lived in precinct No. 9 in Cullman County?—A. I was born and reared here.

Q. Were you more than 21 years of age on the 2d day of last November?—A. Yes.

Q. Did you have any opportunity to register?—A. No.

Q. If you had had a reasonable opportunity, would you have registered?

(Objections.)

A. Yes.

Q. Would you have voted a Republican ticket or a Democratic ticket?—A. Republican, straight.

Cross-examination:

Q. You knew about the registrars being at the courthouse in Cullman, did you not?—A. No; I did not hear anything about it.

Q. Did you pay any poll tax for the year 1920?

(Objections.)

A. No.

Q. Does the county paper come to your family?—A. No.

DEBIE I. STRICKLIN.

H. N. STRICKLIN, being called, says:

Q. How long have you resided in Cullman County?—A. I have been here in a mile of where I am living now since I was 8 years old, and I am now 54 years old.

Q. You are well acquainted with the people in this end of the county, are you not?—A. Yes; pretty well.

Q. In your judgment, about how many Republican voters failed to register for want of a reasonable opportunity at the last registration of voters in this county?

(Objections.)

A. My judgment would be about 50 in this portion of the county anyway.

Q. What notice, if any, did the registrars give that they would register in this end of the county?—A. I did not see any; I heard them talking that they would be here in our beat in the forenoon and at Bremen in the afternoon; I heard again that they would be here on the 26th.

Q. Did they come to this precinct, either on that date or on the 26th?—A. No; they did not come on either date.

Cross-examination:

Q. How many Democratic voters failed to register in the territory you referred to by reason of opportunity?—A. I could not say about how many, but there are a good many more Republicans back here than Democrats.

H. N. STRICKLIN.

T. H. ROBERTSON, being called, says:

Q. Where do you reside?—A. Bremen, Cullman County, Ala.

Q. What official positions, if any, do you hold in Cullman County?—A. I am a member of the State legislature.

Q. Are you well acquainted with the people in the rural section of Cullman County?—A. Tolerably well.

Q. I will ask you to state the manner of giving notice to the voters that the registrars would sit for registration in Cullman. Was there any confusion caused by two sets of notices?—A. There seemed to be; my memory serves me that notices were given through the two county papers as to the times and places the registrars would meet for the registration of voters, and shortly afterwards the notices were changed as to the dates in the same papers.

Q. On account of this confusion and from the lack of opportunity of the voters to register, in your judgment, about how many Republican voters in Cullman County failed to register?

(Objections.)

A. My judgment would serve me about 200, perhaps, in the entire county.

Q. How many in the immediate vicinity in your neighborhood and in the adjoining beats failed to register?

(Objections.)

A. In this and adjoining beats I would say about 40 or 50.

Q. Were you a member of the legislature when this registration law was passed?—A. Yes.

Q. Was there an amendment offered to the bill by Representative Longshore, a Republican representative, in substance to permit each registrar to register voters separately or without all three of them being together?

(Objections.)

A. An amendment was offered by Mr. Longshore—something to that effect.

Cross-examination:

Q. Did not the Republicans register in this county better than the Democrats?—A. I could not say, except from the majority of votes cast.

Q. That was a big Republican majority, was it not?—A. Yes.

Q. Bigger than in any previous election that you have ever witnessed, was it not?—A. Yes; bigger than any we have had in many years in my knowledge.

Q. How many Democratic voters failed to register, in your judgment, in this county?—A. I just don't know; I am sure there were a hundred or more.

T. H. ROBERTSON.

Mrs. FLECIA STRICKLIN, being examined, says:

Q. How long have you resided in Cullman County, Ala.?—A. About 10 years last November.

Q. Were you more than 21 years of age on the 2d day of last November?—A. Yes.

Q. Did you have any opportunity to register when they were registering voters in this end of the county?

(Objections.)

A. No.

Q. If you had had a reasonable opportunity, would you have registered?

(Objections.)

A. Yes.

Q. Would you have voted a Democratic or Republican ticket?—A. Republican.

Q. How far do you live from the county seat at Cullman?—A. About 22 miles.

Cross-examination:

Q. You knew about the appointment of the registrars at Bremen, did you not?—A. Not until after the appointment?

Q. You take the county papers, do you not?—A. No.

Q. You knew about the registrars being at the courthouse at Cullman for the purpose of registering voters, did you not?—A. I did not know about it until afterwards.

Q. You are a daughter of Squire T. H. Robertson, who has just testified, are you not?—A. Yes.

Q. Have you ever paid any poll tax?

(Objections.)

A. No.

Redirect examination:

Q. How far do you and your husband live from where your father lives?—

A. About $5\frac{1}{4}$ miles.

FLECIA V. STRICKLIN.

It is admitted by the attorneys for contestee that Lizzie Stricklin and Maud Stricklin would testify that they never registered, and that they would have voted for C. B. Kennamer for Congress if they had been qualified to vote.

THOS. H. STEPHENS,

Attorney for Contestant.

WM. E. JAMES,

Attorney for Contestee.

CERTIFICATE.

STATE OF ALABAMA, *County of Etowah:*

I, J. S. Franklin, a notary public in and for said State and county and duly authorized commissioner to take the depositions of witnesses on behalf of C. B. Kennamer, contestant, wherein the said C. B. Kennamer is contesting the certified election of L. B. Rainey, contestee, to the Sixty-seventh Congress of the United States of America from the seventh congressional district of Alabama, said election in said district having been held on the 2d day of November, 1920, hereby certify that I have caused to come before me at the times and places mentioned in this certificate and mentioned in the notices attached to these depositions for the purpose of giving evidence in behalf of C. B. Kennamer, contestant, the following witnesses, to wit:

Wednesday, March the 30th, 1921, in the courthouse in Oneonta, Blount County, Ala.: P. G. Hedgecock, J. T. Faile, R. W. Buckner, J. S. Wittmire, Dr. N. C. Denton, Lon L. Roberts, Grady Whitten, J. T. Weaver.

Thursday morning, March 31, in courthouse, Oneonta, Ala.: Leroy Berry, E. Harmon, Dr. W. C. Miles, Will P. Cowden, R. W. Buckner (recalled), Roy E. Head.

Friday, April 1, in courthouse, Oneonta, Ala.: D. C. Rasco, R. C. Bryan, George Clements, J. C. McConnell, B. F. Neal.

Saturday, April 2, 1921, in my office in the Echols Building, Gadsden, Ala.: J. E. Marbut, Anderson W. Whitt, Mrs. Willie Stephens Kirk, G. W. Palmer, Wes Watts.

Tuesday, April 5, 1921, at store of H. N. Stricklin, in beat No. 9, Cullman County, Ala.: Mrs. Vanie Williams, Mrs. Nettie Stricklin, Mrs. Mattie Huffman, Mrs. Addie Aaron, Sam Aaron, Mrs. Minty Stricklin, H. N. Stricklin, Flecia Stricklin, Mrs. Dollie Stricklin, Mrs. Ben Huffman, Mrs. Addie Stricklin, J. L. Willingham, G. W. Stricklin, Miss Debie Stricklin, T. H. Robertson.

The aforesaid witnesses were sworn to speak the truth, and, all relevant questions propounded to them by the contestant and the contestee and their answers thereto, as nearly as may be, were taken down by me in their presence and read over to them, and they signed the same in my presence as their true evidence on said examination; the foregoing record, from pages 1 to 75, inclusive, contains the depositions of the aforesaid witnesses complete, and all the depositions taken by me in rebuttal. And I further certify that each of the aforesaid examinations, and at the examinations of each of the aforesaid witnesses, counsel for the contestee was present and cross-examined each witness, or had the opportunity to cross-examine each of said witnesses.

I further certify that I am neither of counsel nor of kin to C. B. Kennamer, contestant, or L. B. Rainey, contestee; and that I have conducted the examination of the aforesaid witnesses fairly and according to law, to the best of my ability.

Given under my hand and seal this the 7th day of April, 1921.

[SEAL.]

J. S. FRANKLIN.

*Notary Public, Commissioner for
C. B. Kennamer, Contestant.*

EXHIBIT A TO TESTIMONY OF G. W. PALMER.

LIST OF REPUBLICAN WOMEN WHO DID NOT REGISTER IN PRECINCT NO. 21.

1. Mrs. Maggie Lollis.	14. Mrs. Dora Hester.
2. Mrs. Minnie Stewart.	15. Mrs. Lula Thomas.
3. Mrs. Flora Frix.	16. Mrs. Ellen Thomas.
4. Mrs. Sarah Pruett.	17. Mrs. M. M. Reece.
5. Miss Ola Pruett.	18. Miss Gladis Reece.
6. Mrs. Elisabeth Lollis.	19. Mrs. Sallie Woodson.
7. Mrs. M. Mitchell.	20. Mrs. M. E. Pearcey.
8. Miss Fannie Mitchell.	21. Mrs. Nannie Higgins.
9. Mrs. Nina Freeman.	22. Mrs. T. C. Teague.
10. Mrs. Martha Henderson.	23. Miss Sallie Bray.
11. Mrs. Edna Holcomb.	24. Mrs. W. M. Bray.
12. Mrs. L. A. Ray.	25. Mrs. Lucrecie Hurley.
13. Mrs. Lillie Thomas.	

Precinct 14-----	31
Precinct 16-----	30
Precinct 21-----	25
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EXHIBIT B TO TESTIMONY OF G. W. PALMER.

PRECINCT NO. 21—FEMALE, WHITE.

Bagley, Mrs. J. W.	Leath, Mrs. Lattie L.
Campbell, Mrs. Minnie	Leath, Mrs. Georgia
Culpepper, Mrs. Addie	Marshall, Mrs. Margaret
Daniel, Mrs. Calsetie	Moseley, Mrs. Mattie
Daiselt, Mrs. Mary J.	Moseley, Mrs. Minnie
Davis, Mrs. Lula A.	Miller, Miss Lucie
Davis, Mrs. Mary F.	Miller, Mrs. Margie
Falkner, Mrs. Ella	McCalman, Mrs. Nancy
Hurt, Mrs. Judie	Parker, Mrs. Annie
Henderson, Mrs. Ida	Rogers, Mrs. Eugenia
Henderson, Mrs. Lilly	Stone, Mrs. Mary A.
Hill, Mrs. Mary A.	Speer, Miss Maggie
Hartline, Mrs. Maud	Speer, Mrs. Mattie
Henderson, Mrs. Martha	Sparks, Mrs. Ella
Henderson, Mrs. Buma	Taff, Mrs. Wayne
Hill, Mrs. Maude	Thomas, Mrs. Mary
James, Mrs. Phima	Taff, Mrs. Grace
Kennedy, Mrs. Nora	Taff, Miss Bufue
Kennedy, Miss Kate	Taff, Mrs. P. N.
Lewis, Mrs. Angie	Tumlin, Mrs. G. G.
Lewis, Miss Lizzie	Thompson, Mrs. Ella
Leavell, Mrs. Belle	Turner, Mrs. Emma
Lewis, Mrs. Mary J.	Webb, Mrs. Sarah C.
Lewis, Miss Maud	Wade, Mrs. Ella
Lawless, Mrs. Mary	Wilder, Mrs. Anna
Leath, Miss Carrie	

STATE OF ALABAMA, *County of Cherokee*:

I, the undersigned, hereby certify that the foregoing is a true and complete list of all the women resgistrants in precinct No. 21. Cherokee County, Ala., according to the official records of my office.

This the 29th day of March, 1921.

J. L. SANDS, JR.,
Judge of Probate.

EXHIBIT C TO G. W. PALMER'S EVIDENCE.

LIST OF REPUBLICAN WOMEN WHO FAILED TO REGISTER IN PRECINCT NO. 14.

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|--------------------------|-----------------------------|
| 1. Mrs. Josie Bagley. | 17. Miss Minnie Elliott. |
| 2. Mrs. Ophia Teague. | 18. Mrs. Sallie Reynolds. |
| 3. Mrs. Media Erwin. | 19. Mrs. Dollie Ball. |
| 4. Mrs. Martha Clifton. | 20. Mrs. Eula M. Carmon. |
| 5. Mrs. Susie Little. | 21. Mrs. Christiane Tomlin. |
| 6. Mrs. Lona Crye. | 22. Mrs. M. V. Mitchell. |
| 7. Mrs. Bessie Freeman. | 23. Mrs. Lula Hamilton. |
| 8. Mrs. Sarah Hartline. | 24. Mrs. Minnie Thomas. |
| 9. Miss Bessie Elliott. | 25. Mrs. Luther Hurley. |
| 10. Mrs. Mary Elliott. | 26. Miss Phuma Hurley. |
| 11. Miss Effie Elliott. | 27. Mrs. Guy Bramlett. |
| 12. Miss Fannie Elliott. | 28. Mrs. Julia Laws. |
| 13. Miss Lula Elliott. | 29. Mrs. Nancy Roach. |
| 14. Miss Jessie Elliott. | 30. Mrs. Rosa Jones. |
| 15. Mrs. Lena Elliott. | 31. Mrs. D. E. Sanford. |
| 16. Mrs. Ada Hartline. | |

LIST OF REPUBLICAN WOMEN WHO FAILED TO REGISTER IN PRECINCT NO. 16.

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|--------------------------|----------------------------|
| 1. Mrs. Jane Sentell. | 16. Mrs. Sallie Murphy. |
| 2. Mrs. Bertie Sentell. | 17. Mrs. Lena Crye, No. 2. |
| 3. Mrs. Sarah Sentell. | 18. Mrs. Ida Thomas. |
| 4. Mrs. Annie Thomas. | 19. Mrs. Ella Thomas. |
| 5. Mrs. Lucile Sentell. | 20. Mrs. Lula Tucker. |
| 6. Mrs. Pearl Woodall. | 21. Mrs. Luckey Jones. |
| 7. Mrs. Lula Howard. | 22. Mrs. Polley Morrison. |
| 8. Mrs. Ella Pruett. | 23. Mrs. Alma Copeland. |
| 9. Mrs. Willie Crye. | 24. Mrs. Cora Gardner. |
| 10. Mrs. Lena Hartline. | 25. Miss Verda Gardner. |
| 11. Mrs. Venice Crye. | 26. Mrs. Dora Chappler. |
| 12. Mrs. Lela Hartline. | 27. Miss Lucy Martin. |
| 13. Mrs. Bula Hartline. | 28. Mrs. Ribon Waltz. |
| 14. Mrs. O. A. Hartline. | 29. Mrs. Annie Payne. |
| 15. Mrs. Mary Tucker. | 30. Mrs. Lucile Martin. |

EXHIBIT D TO TESTIMONY OF G. W. PALMER.

PRECINCT NO. 14—FEMALE. WHITE.

District No. 1.

Bankson, Mrs. Hattie.
 Burkhalter, Mrs. Bessie.
 Bankson, Miss Willie.
 Crane, Mrs. Etta.
 Campbell, Miss Annie.
 Crane, Mrs. Georgia A.
 Crane, Miss Nallie.
 Covington, Mrs. Annie.
 Cramer, Miss Cummie.
 Culpepper, Mrs. Lula.
 Crane, Miss Missouri.
 Denton, Mrs. Ada E.
 Denton, Miss Louise.
 Denton, Mrs. Mary E.
 Daniel, Miss Mattie L.
 Dobbs, Miss Gertrude.
 Dobbs, Mrs. Lizzie.
 Dobbs, Miss Ruby.

District No. 1—Continued.

Daniel, Mrs. Ida.
 Daniel, Miss Alline.
 Daniel, Miss Edna.
 Daniel, Mrs. Carey Y.
 Daniel, Mrs. Lennie.
 Dean, Mrs. Minnie.
 Denton, Mrs. Mary C.
 Emerson, Mrs. Emma.
 Griffin, Mrs. Maggie.
 Henry, Mrs. Josie.
 Hilly, Miss Ruby.
 Hilley, Mrs. Carrie.
 Hurley, Mrs. Effie.
 Hurley, Mrs. Nettie.
 Hurley, Mrs. Minnie.
 Hurley, Mrs. Mattie.
 Hurley, Mrs. Hannah.
 Hurley, Mrs. Phema.

EXHIBIT D TO TESTIMONY OF G. W. PALMER—Continued.

PRECINCT NO. 14—FEMALE, WHITE—continued.

District No. 1—Continued.

Hill, Mrs. Francis C.
 Kennedy, Mrs. Loula M.
 Knight, Mrs. Curtha.
 Leath, Mrs. G. G.
 Mosley, Mrs. Mary.
 Miller, Miss Carrie.
 Miller, Mrs. Georgia.
 Morrison, Mrs. Ruby.
 Mason, Mrs. Ozzie.
 McDonald, Mrs. Zephia.
 McDonald, Mrs. Louella.
 Nelson, Mrs. Phema.
 Pettijohn, Mrs. Davie.
 Pruett, Mrs. Mary.
 Parker, Mrs. Sarah.
 Roberts, Mrs. Annie.
 Rutledge, Mrs. Carrie.
 Ringer, Miss Emma.
 Ringer, Mrs. Wayne.
 Ringer, Mrs. Florence.
 Ringer, Miss Clara Belle.
 Ringer, Mrs. Delia.
 Sharp, Mrs. Emma.
 Sanford, Miss Della.
 Sanford, Miss Minnie.
 Smith, Mrs. Edna.
 Sweeney, Mrs. Etta.
 Tucker, Mrs. Della Dora.
 Tallent, Mrs. Ella May.
 Tucker, Mrs. Belle.
 Tucker, Mrs. Martha.
 Tucker, Mrs. Nanie A.
 Tucker, Mrs. Lula.

District No. 1—Continued.

Tucker, Mrs. Isabelle.
 Tucker, Mrs. Annie.
 Webb, Mrs. Martha J.
 Webb, Mrs. Cora.
 Webb, Mrs. Lizzie.

District No. 2.

Burkhalter, Mrs. Lena.
 Blythe, Mrs. Ethel.
 Burkhalter, Miss Ruby.
 Bagley, Mrs. Gertie.
 Cannon, Mrs. Mattie.
 Cry, Miss Lena.
 Envin, Miss Etta.
 Goodman, Mrs. Josie.
 Hurley, Mrs. Camelia.
 Hurley, Mrs. Lois.
 Mitchell, Mrs. Lilly.
 Miller, Mrs. Ella C.
 Nelson, Mrs. Dora.
 Palmer, Mrs. Nancy.
 Ray, Mrs. Minnie.
 Tracy, Mrs. Della.
 Teague, Mrs. Etta.
 Teague, Mrs. Josie.
 Tracy, Mrs. Bessie.
 Treadaway, Mrs. Alma P.
 Tracy, Mrs. J. T.
 Watson, Mrs. Emma.
 Wall, Mrs. Henrietta.
 Watson, Mrs. Emma.

STATE OF ALABAMA, *County of Cherokee:*

I, the undersigned, hereby certify that the foregoing is a true and perfect list of all the women registrants in precinct No. 14 and districts No. 1 and No. 2, in Cherokee County, Ala., according to the official records of my office.

This March 29, 1921.

[SEAL.]

J. L. SANDS, JR.,
Judge of Probate.

PRECINCT NO. 16—FEMALE, WHITE.

Ash, Mrs. Emma.
 Bankson, Mrs. Ozoma.
 Cavin, Mrs. Bessie.
 Cavin, Mrs. Della.
 Cavin, Mrs. Orena.
 Cavin, Mrs. Georgia.
 Cavin, Miss Emma A.
 Cavin, Mrs. Nora.
 Duff, Mrs. Mamie.
 Denton, Mrs. F. L.
 Estes, Mrs. Bula.
 Farrar, Mrs. Georgia.
 Freeman, Mrs. Eunice.
 Green, Mrs. Emma.
 Green, Mrs. Caroline.

Green, Miss Vernie.
 Green, Mrs. Myrtle.
 Hughes, Mrs. Ada.
 Hardwick, Mrs. Minnie.
 Jackson, Mrs. Eula.
 Jackson, Mrs. Nora.
 Jackson, Mrs. Fanny.
 Jackson, Mrs. Donia.
 Janes, Mrs. Pearl.
 Leavell, Mrs. Matilda.
 Leath, Miss Jamsie.
 Leath, Mrs. Alice.
 Lowery, Mrs. Ettie.
 Moseley, Mrs. Lon.
 McCullough, Mrs. Maggie.

PRECINCT NO. 16—FEMALE, WHITE—continued.

Nichodemous, Miss Mae.
 Oliver, Mrs. Ethel.
 Payton, Mrs. Carrie.
 Payton, Mrs. Laura B.
 Payton, Mrs. Bertha.

Payton, Mrs. Carrie.
 Reynolds, Mrs. T. J.
 Smith, Mrs. W. M.
 Tallent, Mrs. Leatha.
 Willingham, Miss Bertha.

STATE OF ALABAMA, *County of Cherokee*:

I, the undersigned, certify that the foregoing is a true and complete list of all the women registrants in precinct No. 16, in Cherokee County, Ala., according to the official records of my office.

This March 29, 1921.

[SEAL.]

J. L. SANDS Jr.,
Judge of Probate.

EXHIBIT E TO TESTIMONY OF WES WATTS.

BEAT 2.

(By C. M. Baldwin.)

Mrs. Mary Strickland.
 Mrs. Sallie Baldwin.
 Miss Vera Strickland.
 Miss Sallie Strickland.
 Miss Sudie Strickland.

(By J. M. Norton.)

Mrs. J. M. Norton.

(By J. M. Norton)—Continued.

Mrs. Hinson.

Mrs. Homes.

(By A. E. McCurry.)

Mrs. Bob Norton.

Mrs. Tom Ingram.

Mrs. Ed. Ingram.

Mrs. R. C. Norton.

BEAT 7.

(By W. J. Voils)—Continued.

Mrs. R. L. Bedwell.

Miss Sallie Bedwell.

Miss Vera Bedwell.

Mrs. Joe Bedwell.

Mrs. Will Scroggins.

Mrs. Gid Floyd.

(By R. L. Moon.)

Mrs. John Farmer.

Mrs. J. W. Wester.

Mrs. Downey.

Mrs. J. W. Holt.

Mrs. Graham.

(By W. J. Voils.)

Mrs. W. J. Voils.

Mrs. Emma Voils.

Miss Emma Voils.

Mrs. E. K. Voils.

Mrs. Jim Ellenbug.

Mrs. Nancy Warren.

Mrs. Murt Hall.

Mrs. Mollie McCarley.

Mrs. George Easterwood.

Mrs. Geneva Brown.

Mrs. M. J. Langley.

Mrs. Mary Snider.

Mrs. Lizzie Snider.

Miss Viola Snider.

Mrs. Will Corsey.

Mrs. Arthur Bemar.

Mrs. J. D. Holt.

Mrs. Nora Holt.

Mrs. Roy Lambert.

Mrs. Jim Young.

Mrs. Charley Floyd.

Mrs. George Vaughn.

Mrs. Will Pruett.

EXHIBIT F TO TESTIMONY OF WES WATTS.

PRECINCT No. 2—FEMALE, WHITE.

Abernathy, Mrs. Lola.
 Abernathy, Mrs. Alma.
 Abernathy, Mrs. Martha.
 Abernathy, Mrs. Susie.
 Abernathy, Mrs. Mattie.
 Baldwin, Mrs. Annie.
 Burns, Mrs. Eunice.
 Baldwin, Mrs. Francis.
 Brown, Mrs. Florence.
 Doner, Mrs. Mary J.
 Conway, Mrs. Ida.
 Conway, Mrs. Mamie.

Coleman, Mrs. Mary.
 Deaton, Mrs. Nora.
 Davis, Mrs. Martha.
 Deberry, Miss Florence.
 Davis, Mrs. Lillian.
 Ferguson, Mrs. Leona.
 Ferguson, Mrs. Luella.
 Gilmer, Mrs. Birdie.
 Garvin, Mrs. D. J.
 Hester, Mrs. Essie.
 Hall, Mrs. Adelle.
 Hester, Mrs. Louise.

EXHIBIT F TO TESTIMONY OF WES WATT—Continued.

PRECINCT No. 2—FEMALE, WHITE—Continued.

Hester, Mrs. Rama.	Menshew, Mrs. Irene.
Hardin, Mrs. E. H.	Mobley, Mrs. Julia A.
Hardin, Mrs. J. A.	McCorley, Mrs. Josie.
Hall, Mrs. Anna.	McDaniel, Mrs. Ida M.
Hayes, Mrs. Ada.	McDaniel, Mrs. Susie.
Hardin, Mrs. Lizzie.	McDaniel, Mrs. Vernie.
Hincey, Miss Bessie.	Norton, Miss Dewey.
Hincey, Mrs. Emma.	Norton, Miss Myrtle.
Hester, Mrs. Lola.	Norton, Miss Mattie.
Hester, Mrs. Mattie.	Norton, Mrs. Lydia.
Hite, Mrs. Fannie.	Pardeu, Mrs. Jessie.
Hendrix, Mrs. Mortie.	Quick, Mrs. Maggie.
Hester, Mrs. Minnie.	Rutherford, Mrs. Eugenia.
Ingram, Mrs. Rose.	Rutherford, Mrs. Martha.
Ingram, Mrs. Nora.	Stone, Mrs. Essie P.
Ingram, Mrs. Bessie.	Scott, Mrs. Casay.
Ingram, Mrs. Sallie J.	Stone, Mrs. Liller.
Johnson, Mrs. Sallie.	Snead, Mrs. Vivian.
Johnson, Mrs. Sally K.	Smith, Mrs. Scottie.
Johnson, Mrs. Allie B.	Shumate, Mrs. Sallie.
Kerr, Mrs. Amanda.	Trammel, Mrs. Cordelia.
Kerr, Mrs. Ann.	Terry, Mrs. Mary.
Kerr, Mrs. Ester.	Tierce, Mrs. Rosa.
Kerr, Mrs. Belle.	Trotter, Mrs. Amanda.
Lumpkin, Mrs. Susan.	Trotter, Mrs. Eula.
Mallows, Mrs. Birtie.	West, Mrs. Della.
Mathius, Mrs. Estelle.	Wood, Mrs. Gertie.
Mitchell, Mrs. Jane.	Wood, Mrs. Lelia.
Menshew, Mrs. Wennie.	Wright, Mrs. Vadie.
Menshew, Miss Johnie.	Wilson, Mrs. Minnie.

STATE OF ALABAMA, *Cherokee County*:

I, the undersigned, hereby certify that the foregoing is a complete and correct list of all women registrants for precinct No. 2, in Cherokee County, Ala., according to the official list of registered voters for said county now on file in my office.

Given under my hand and seal this the 29th day of March, 1921.

[SEAL.]

J. L. SANDS, Jr.
Judge of Probate.

PRECINCT No. 7—FEMALE, WHITE.

Arnett, Mrs. Ora.	Lambert, Mrs. Carrie.
Arnett, Mrs. Willie.	Little, Mrs. Reddie.
Anderson, Mrs. Lizzie.	Little, Mrs. Grace.
Acker, Mrs. Josie.	Mabley, Mrs. Minda.
Ashley, Mrs. I. N.	Parker, Mrs. Lillian.
Anderson, Mrs. Nettie.	Parker, Mrs. Mary F.
Brown, Mrs. Lottie.	Price, Mrs. Zora.
Brown, Mrs. Eldora.	Parker, Miss Ella M.
Brown, Mrs. Sally.	Parker, Mrs. Nettie.
Davis, Mrs. Sadie.	Roy, Mrs. Emily.
Davis, Mrs. Lex.	Roberts, Mrs. Marshall J.
Davis, Mrs. Mary.	Roberts, Miss Myrtle M.
Davis, Mrs. C. C.	Ragan, Mrs. Hannah.
Floyd, Mrs. Lillie E.	Roberts, Mrs. Aubora.
Formby, Mrs. Florence B.	Raland, Mrs. J. W.
Formby, Mrs. Mary Etta.	Scroggins, Mrs. Cora.
Formby, Mrs. Nellie D.	Savage, Miss Mary.
Formby, Mrs. Flora.	Stewart, Mrs. Rossie.
Formby, Mrs. Lilly May.	Stewart, Mrs. Lizzie.
Kison, Mrs. Zuna.	Salmon, Mrs. Bertha.
Little, Mrs. J. L.	Savage, Mrs. Maggie.
Little, Mrs. Emma.	Williams, Mrs. Leila.

STATE OF ALABAMA, *County of Cherokee:*

I, the undersigned, hereby certify that the foregoing is a true and correct and complete list of all women registrants for precinct No. 7, in Cherokee County, Ala., according to the public records of my office.

This March 29th, 1921.

[SEAL.]

J. L. SANDS, Jr.,
Judge of Probate.

NOTICES TO TAKE DEPOSITIONS.

To L. B. RAINEY, *Contestee:*

Take notice that it is the intention of C. B. Kennamer to cause to be examined the witnesses mentioned herein at Fort Payne, Dekalb County, Ala., on Friday the 1st day of April, 1921, before J. A. Downer, a notary public and duly authorized commissioner to take depositions for and on behalf of C. B. Kennamer, contestant. Said witnesses are: W. J. Jones, Henagar, Ala.; Sam McPherson, Crossville, Ala.; F. W. Barkley, Colbran, Ala.; J. M. Durham and J. J. Durham, of Chavies, Ala.; A. F. Brock, of Fort Payne, Ala.

This the 28th day of March, 1921.

THOS. H. STEPHENS,
Attorney for C. B. Kennamer.

I, T. H. Stephens, attorney for C. B. Kennamer, hereby certify that I have served the above notice on L. B. Rainey, contestee, by leaving a copy of same with Alto V. Lee, of Gadsden, Ala., an attorney authorized to represent L. B. Rainey, this the 28th day of March, 1921.

THOS. H. STEPHENS,
Attorney for C. B. Kennamer.

To L. B. RAINEY, *Contestee:*

Take notice that it is the intention of C. B. Kennamer, contestant, to cause to be examined the witnesses mentioned herein at Fort Payne, Dekalb County, Ala., on Friday the 1st day of April, 1921, before J. A. Downer, a notary public and duly authorized commissioner to take depositions for and on behalf of the said C. B. Kennamer, contestant. Said witnesses, with their addresses, are as follows: W. M. Franklin, Fort Payne, Ala.; A. G. Franklin, Collinsville, Ala.

This March 29, 1921.

JOHN B. ISBELL,
Attorney for C. B. Kennamer, Contestant.

I, John B. Isbell, attorney for C. B. Kennamer, contestant, hereby certify that I have served the above notice on L. B. Rainey, contestee, by leaving a copy of same with J. Valdor Curtis, of Fort Payne, Ala., an attorney authorized to represent L. B. Rainey, this the 29th day of March, 1921.

JOHN B. ISBELL,
Attorney for C. B. Kennamer, Contestant.

Depositions of witnesses examined for contestant, in rebuttal, before J. A. Downer, notary public and duly authorized commissioner to take depositions for said contestant, at Fort Payne, Ala., Friday, April 1, 1921, contestant being represented at the taking of said depositions by John B. Isbell and contestee by E. M. Baker and C. A. Wolfes.

The following witnesses, being first duly sworn and cautioned to tell the truth, the whole truth, and nothing but the truth, testified as follows:

W. M. FRANKLIN, examined for contestant, testified:

Q. Where do you reside?—A. Three miles north of here.

Q. What is your age?—A. Sixty-six years old.

Q. You are a minister of the Gospel?—A. Yes.

Q. How long have you lived in Dekalb County?—A. Sixty-four years.

Q. You are familiar with Dekalb County?—A. Yes.

Q. I will ask you to state whether or not you and Mr. Jones were requested to visit beats 14 and 19.

(Contestee objects.)

A. Yes.

Q. Did you and W. J. Jones visit beats 14 and 19 of recent date?—A. We did.

Q. I will ask you to state if you visited those beats for the purpose of ascertaining whether or not there were any Republican women in those beats who failed to get to register.

(Contestee objects.)

A. We did.

Q. Did you visit those women and talk to them?

(Contestee objects.)

A. Yes.

(At this point counsel for both contestant and contestee agreed that the agreement heretofore entered into with reference to objections reserved during the taking of testimony at Fort Payne would apply to and have full force with reference to the taking of testimony on this date.)

Q. (Continuing the examination.) You noticed the map exhibited to the testimony of R. A. Burt?—A. I saw the map here when we were taking testimony before.

Q. That map, so far as you can tell, is correct?—A. Yes.

Q. That map shows the two beats you went into, 14 and 19?—A. Yes.

Q. Were the registrars ever in those beats?—A. It's my understanding they were not.

Q. How far is it from Fort Payne to the nearest point of beat 19?—A. I suppose some 15 miles; don't know exactly.

Q. How far is it from Fort Payne to the remotest point in beat 14?—A. Something like 45 miles.

Q. Did you find any Republican women in those beats who had not registered?

(Contestee objects.)

A. Yes.

Q. How many?

(Contestee objects.)

A. We consulted 24.

Q. Did you go to see them all, all the 24?

(Contestee objects.)

A. Yes.

Q. Did you ask them their age and whether or not they had lived in the State the required time and whether or not they would have voted the Republican ticket if they had registered?

(Contestee objects.)

A. Yes; generally on stating our business I would ask them if they had been in the State two years, the county or precinct one year, and if they had had a reasonable opportunity would they have registered and voted the Republican ticket. Those 24 women all answered they would have registered and voted the Republican ticket if they had had a reasonable opportunity.

Q. Were there other Republican women who failed to register that you did not go to see?

(Contestee objects.)

A. I was informed that there was.

Q. Have you a list of the Republican women in those beats that you visited and talked to?

(Contestee objects.)

A. Yes.

Q. Will you please give the names of the Republican women you visited in those beats?

(Contestee objects.)

A. Ella Blevins, L. I. Shrader, America Galloway, Lizzie L. Blevins, F. Q. Edwards, M. E. Adkins, Ellin Weldon, Nancy Veal, Roza York, L. A. Boydston, M. J. York, Annie Avans, J. A. Loveless, L. M. Loveless, G. A. Wade, Mary Francis, M. E. Smith, Mandy Ellis, Ida Lee, Amanda Woodfin, S. E. Lee, Samira Crabtree, Martha Crabtree, Mandie Crane—that's the 24.

Q. About how many Republican women in those beats who failed to register, from your information and judgment, other than the women you have mentioned?

(Contestee objects.)

A. From 15 to 25 that we heard of, but didn't visit.

Q. When did you visit those beats and talk to these Republican women?—A. Last Tuesday and Wednesday, the 29th and 30th of March.

Cross-examination :

Q. You are a Republican?—A. Yes.

Q. You were very active in the last campaign for the Republican Party?—A. Yes.

Q. You visited a number of precincts during the registration period for the purpose of advertising among the Republicans as to the time and place of registration?—A. I visited several Republican beats and did notify a good many people.

Q. You visited beat 20 before the registrars were there at the night appointment?—A. I visited beat 20, but I think it was after the registrars had visited there—that was after the registrars had passed Loveless; I was there before the registrars made their night appointment.

Q. You also visited beat 26 before the registrars were there for the night appointment?—A. Yes; I was at Lydia the night before they made their trip there.

Q. You visited both beats 14 and 19 during the period of registration in the county?—A. Yes; just before the close of the registration here at Fort Payne.

Q. About how many speeches did you make in the county in the interest of the Republican ticket during the campaign?—A. I think about four—maybe five or six—I won't say positive about that.

Q. How many did you make in any other county?—A. I made two or three in Cherokee County.

W. M. FRANKLIN.

W. J. JONES, examined for contestant, testified :

Q. You heard the testimony of W. M. Franklin?—A. Yes.

Q. On Tuesday and Wednesday, the 29th and 30th of March, 1921, did you travel with Mr. Franklin in beats 14 and 19?

(Contestee objects.)

A. I did.

Q. Were you asked to go with him and ascertain whether or not all the Republican women in those beats had registered?

(Contestee objects.)

A. I was.

Q. Did you and Mr. Franklin visit the Republican women mentioned in his testimony?

(Contestee objects.)

A. We did.

Q. What did they say?

(Contestee objects.)

A. They all said they would have registered and voted the Republican ticket if they had had a chance.

Q. Did you get to see all the Republican women who did not get to register?

(Contestee objects.)

A. No; we did not.

Q. In your judgment, how many Republican women eligible to register and vote were deprived of the opportunity of registering on account of the registrars not going into those two beats, besides those already mentioned?

(Contestee objects.)

A. I could count 15, I believe. I've got a list of 12 that I know of.

Q. You live in beat 19?—A. Yes.

Q. How far is it from the courthouse to the extreme upper corner of beat 14, next to the Georgia line?—A. Somewhere from 40 to 45 miles.

Q. How far is it from Fort Payne to the nearest point in those two beats by the usual way of travel?—A. The nearest point of beat 19 would be somewhere from 12 to 15 miles.

Cross-examination :

Q. You have been examined once before in this contest, have you not?—A. Yes.

Q. How far is it from the courthouse to Sulphur Springs, in beat 13?—A. From 22 to 24 miles.

Q. How far is it from the courthouse to Henagar, in beat 15?—A. I believe they call it 16 miles from here.

W. J. JONES.

J. J. DURHAM, examined for contestant, testified:

Q. Were you at Fort Payne the day the registrars announced the books were closed?—A. I was.

Q. Were you present during the last day of registration from time to time?—A. I was.

Q. Will you please state, if you know, at what time the Republicans asked that they might be allowed to register some of their Republican women by proxy, and under what conditions and circumstances they did it?

(Contestee objects.)

A. It was the last hour of the last day; the only Republicans that I knew of getting any certificates by proxy was in the last half hour of the last day. I was traveling in the upper end of the county during that week rounding up all I could and getting them here. While I was up there I learned they were registering Democrats by proxy.

Q. State whether or not you ascertained that the Democrats had men in practically every beat getting names of the Democratic women, sending them in to the board of registrars, and getting certificates issued without their appearing before the board.

(Contestee objects.)

A. I found S. M. Igon and G. A. Igon traveling, finding out who hadn't registered and sending them in; I saw parties that told me these two were getting them. I had a list of twenty some odd names of parties that told me that they had registered them by proxy—Democrats. I know of others all over the county—Dr. Hall, Joe Parker, and others.

Q. I will ask you if you were present with J. M. Durham when he called for proxy certificates; and, if so, state whether or not it was in the evening of the last day of the board's meeting at Fort Payne.

(Contestee objects.)

A. I was when he got two or three the last half hour of the last day, and I got two. Neither one of them that we got voted. We knew they couldn't vote at the time; we told the board so, offered to swear to it.

Cross-examination:

Q. You are a Republican?—A. Yes.

Q. You were active during the last campaign in the interest of the Republican Party?—A. Yes.

Q. You spent considerable time during the period of registration in trying to get the Republican women of the county registered?—A. I did.

J. J. DURHAM.

J. M. DURHAM, examined for contestant, testified:

Q. You remember when the board of registrars worked in Fort Payne?—A. I do.

Q. I will ask you to state at what period of time you got registration certificates for Republican women by proxy.—A. It was inside of an hour before it closed the 26th, between 3 and 4 o'clock.

Q. Was that the last day they kept open?—A. Yes.

Q. How many did you register by proxy?—A. Three.

Q. Name them.—A. Mrs. Arra Durham, Mrs. Esther Lewis, and the widow Roden's daughter; but she's married, and I forget her name.

Q. Did any of them vote?—A. Didn't any of them vote.

Q. State whether or not you had already learned that the Democrats were registering by proxy by wholesale over the county at the time you called for these three.

(Contestee objects.)

A. I learned that they were registering them—Democratic women—but I couldn't say by the wholesale.

Cross-examination:

Q. You are a Republican?—A. Yes.

Q. You were very active in getting the Republican women registered?—A. I was.

Q. Visited the different parts of the county?—A. Yes.

Q. Do you state that you did not come before the board of registrars but one time and secure the registration of Republican women without their appearing before the board of registrars?—A. I met at the night appointed at Rainsville

with all my family to register, I think, and my second daughter was sick; she stayed about a half an hour there waiting, and she had to go out to one of the neighbor's houses. I tried to get them to take her name and age and give me the certificate, and they refused to do it.

(Contestee moves to exclude the answer just given, because it is not responsive to the question.)

Witness continues: Later on I brought her back before the registrars before they dismissed, and they registered her. The one time I told about on direct examination is the only time that I recollect about getting any certificates by proxy.

Q. I will ask you if it isn't a fact that upon at least three different occasions you presented a list of names to the board of registrars or to some member thereof and secured the registration of Republican women by proxy?—A. I did not.

J. M. DURHAM.

NOTICE TO TAKE DEPOSITIONS.

TO L. B. RAINEY, ESQ., OR TO W. C. RAYBURN, ATTORNEY FOR L. B. RAINEY:

Take notice that in the contest-election case in which C. B. Kennamer is contesting the seat of said L. B. Rainey for a seat in the Congress of the United States, or contesting the election of said L. B. Rainey held on the 2d day of November, 1920, for the seventh congressional district of Alabama.

The contestant will take the depositions of the following witnesses before J. A. Downer, notary public and duly appointed commissioner to take such depositions, the examination of such witnesses to be held at the office of C. B. Kennamer, at Guntersville, Ala., Monday, April 4, 1921, at 9 o'clock a. m., and from day to day until completed. The following are the names and post-office addresses of the witnesses to be examined at such hearing: A. J. Roberts, Boaz, R. F. D. No. 6, Ala.; T. J. Brown, Boaz, R. F. D. No. 6, Ala.; J. D. Pruett, Boaz, Ala.; W. W. Creel, Boaz, Ala.; George Cox, Boaz, Ala.; Oce Dodd, Boaz, Ala.; Oscar Dendy, Boaz, R. F. D. No. 5, Ala.; Kenney Whitten, Horton, Ala.; Jess Plunkett, Boaz, R. F. D. No. 5, Ala.; M. Y. Copeland, Boaz, R. F. D. No. 5, Ala.; Charley McNaron, Horton, Ala.; L. P. Dooly, Boaz, Ala.; Anderson Vandergrift, Albertville, R. F. D. No. 2, Ala.; John Mathis, Albertville, R. F. D. No. 2, Ala.; Tom Smith, Albertville, R. F. D. No. 2, Ala.; R. W. Coleman, Langston, R. F. D. No. 1, Ala.; H. Johnson, Albertville, R. F. D. No. 1, Ala.; Davis Chambers, Albertville, R. F. D. No. 1, Ala.; W. J. Morton, Guntersville, R. F. D. No. 3, Ala.; F. N. Boen, Horton, R. F. D. No. 1, Ala.; S. J. Rigsby, R. F. D. No. 3, Arab, Ala.; Ben R. Berry, Guntersville, Ala.; Gordon Gilbreath, probate judge, Guntersville, Ala.; R. Lee Barnes, R. F. D., Albertville, Ala.; Mrs. Joe Isdell, R. F. D., Albertville, Ala.; J. W. Cobb, Arab, R. F. D., Ala.; John Henson, Arab, R. F. D., Ala.; Dr. W. C. Pesnel, Arab, Ala.

This 31st day of March, 1921.

C. B. KENNAMER, *Contestant*.

Copy of the above notice delivered to W. C. Rayburn, at Guntersville, Ala., Thursday, March 31, 1921.

C. B. KENNAMER, *Contestant*.

Depositions of witnesses examined for contestant before J. A. Downer, notary public and duly authorized commissioner to take depositions for said contestant, at Guntersville, Ala., Monday, April 4, 1921, in the cause wherein C. B. Kennamer is contesting the election of L. B. Rainey to the Congress of the United States, said contestant being represented at the taking of said depositions by C. B. Kennamer, per se, and the contestee being represented by W. C. Rayburn.

The following witnesses, being first duly sworn to tell the truth, the whole truth, and nothing but the truth, testified as follows:

A. J. ROBERTS, examined for contestant, testified:

Q. You live in Friendship precinct, Marshall County, Ala.?—A. Yes.

(At this point it was agreed between counsel that the same agreement heretofore made as to the objections taken during the taking of the testimony on former occasions in this matter apply to and have full force with reference to the taking of testimony on the present hearing.)

Q. During the last week, have you been making some investigation to ascertain whether there be a considerable number of Republican women in Marshall County who were eligible to register and who would have registered and voted for C. B. Kennamer for Congress in the election the 2d day of last November had there been reasonable notice given and the registrars had filled appointments after reasonable notice and remained a reasonable time in each voting precinct in Marshall County?

(Contestee objects.)

A. I have.

Q. From your inquiry and investigation, how many such women were in Friendship precinct?—A. I only know of about 22.

Q. You mean you know of your own personal knowledge?—A. I heard of that many; I haven't talked with all of them.

Q. Have you undertaken to find all in the beat?

(Contestee objects.)

A. No.

Q. Have you made some inquiry as to other precincts or sections of the county?—A. I have.

Q. Have you made general inquiry among the people and the citizens from different parts of the county you have come in contact with?

(Contestee objects.)

A. I have.

Q. From your investigation of this matter and general inquiry over the county, in your opinion and best judgment, how many Republican women are there in Marshall County who failed to get registered and to vote in the last election?

(Contestee objects.)

A. That would be pretty hard to answer. I believe—my honest opinion is that there was somewhere around six or seven hundred women that would have registered and voted for Mr. Kennamer if they would have had the chance and a registrar to have gone to their homes and registered them, like the Democrats had.

(Contestee objects to the answer.)

Q. If the registrars of this county had filled appointments made by Republican workers and Republican candidates about at the different points in the rural sections and had have gone out during the period of registration wherever and whenever the Republican workers would have assembled 25 or more women at a place, how many more, in your judgment, would the Republicans have registered during that registration?

(Contestee objects.)

A. I believe my answer to the other question would answer that—about six or seven hundred.

Q. During the campaign and during the registration, you were taking a very active part, were you not?—A. I was.

Q. During that registration, did you ever know of or hear of the registrars going out at other times and places than their regular appointments at the request of any Republican?

(Contestee objects.)

A. Yes; one time.

Q. Do you know at whose request?—A. T. B. McNaron's and mine together.

Q. Do you know how many women they registered on that trip?—A. Two, I think.

Cross-examination:

Q. Do you know of your own personal knowledge or do you know the names of the six or seven hundred Republican women in Marshall County who desired to register and who were qualified to register and who did not register on account of not knowing of the times and places or appointments of the registrars?—A. I think that's unreasonable to expect a man to know the names of six or seven hundred women scattered around over the rural districts.

Q. Have you a list of such names?—A. I have not.

Q. You say you know the names of 22 such women in Friendship beat who did not register?—A. I don't think I remember all their names; don't think I could call them.

Q. I will ask you if you know of or have heard of the names of 22 women in Friendship beat who were qualified to register for the last election and who desired to register and who were prevented from registering on account of not

having an opportunity to register?—A. I know of that many and have heard of that many, from reliable sources, who would have registered if they had had a fair opportunity.

Q. Would you please give their names?—A. I will give what I can remember: Mrs. Hopper, Mrs. Ledbetter, Mrs. Stanfield, Mrs. Works, Mrs. John Works, Mrs. Whitten, a widow. I don't believe I can remember any more of the names just now.

Q. This is all you can remember in Friendship beat, the precinct where you reside?—A. I think of a couple more now, Mrs. Willis, Mrs. Pead; that's all I think of right now.

Q. Have you talked to each one of these women and know that they did not register on account of not having an opportunity or of not knowing the appointments of the registrars in Friendship beat?—A. I haven't talked to all of the women individually, but have talked with their husbands and brothers or their neighbors who were acquainted with the circumstances.

Q. Have you talked with any of them; if so, please state who?—A. I talked with Mrs. Works. I talked with Mrs. Ledbetter during the registration while they were registering here at Guntersville. I don't remember talking with any of the rest, except during the campaign.

Q. When and where did you see Mrs. Works and what was her excuse for not registering?—A. At her home home, back a week or so ago, possible a month back. She didn't know they were going to be at Center Point and she had no way of coming to Guntersville.

Q. It is a fact that a lot of the women were carried by the Republicans to Boaz, Redapple beat, to register, isn't it?—A. It is.

Q. It is a fact also that you had a committee in Friendship beat scouring the beat to get all the women in that beat to register?—A. It is not; there were men working on their accord.

Q. Are these all of the women in the county that did not register whom you can name?—A. I think of a couple more down at home now—Mrs. John Hales, and I believe I forgot the other.

Q. Are all of these Republican women?—A. They are.

Q. Do you know of your own personal knowledge that they would have voted the Republican ticket?—A. Nothing only what they and their relatives say about it.

Q. Have you given all the names that you know of or have heard of in Marshall County who were qualified to register and did not register on account of not knowing of the appointments of the registrars?—A. I have given all that I can remember just now.

Q. You have been making diligent inquiry to ascertain the names of those who did not register?—A. I have around home.

Q. Haven't you made inquiry throughout the county?—A. Not as to their names.

Q. Isn't it a fact that you have been the county over for the purpose of ascertaining the names of registrants who did not register?—A. It is not.

Q. You did ride the county over several times before the election?—A. As a candidate for tax collector, I did some tall riding.

Q. You made inquiry about Republican women to register?—A. During a part of the campaign, just prior to the registration, I worked at that part of the time.

Q. Isn't it a fact that you and other Republicans gave general and special notice and advertisement to the women voters of the time and place appointed by the registrars to register them?—A. There was about four or five of us that did, but the time was so short we couldn't see all the women.

Q. Isn't it a fact, so far as you know, that the women who would have voted the Republican ticket had as much notice of the appointments of the registrars as those that would have voted the Democratic ticket?—A. If I am not mistaken, the Democratic county chairman testified that he notified the women in Claysville beat, just across the river from Guntersville, on Saturday night that the registrars would be there Monday, and as far as I know it was Sunday afternoon before any Republican in the county knew of that appointment.

Q. Isn't it a fact that Mr. J. B. Starnes, chairman of the Democratic county executive committee, stated in his examination in this contest that he announced publicly at preaching in Claysville beat on Saturday night before the registration on Monday the time and place the registrars would be in that precinct to register the women voters?

(Contestant objects.)

A. I think that's a fact, but it is also a fact, and a well-known fact, that there is not over two or three Republicans in that beat.

Q. When you said in answer to the question asked you on your direct examination that you had been making some investigation to ascertain whether there be a considerable number of Republican women in Marshall County who were eligible to register and who would have registered and voted for C. B. Kennamer for Congress, you only had reference then to your own precinct and not the entire county, did you?—A. I had reference to the entire county when I said 600 or 700. I inquired some as to the entire county among people I would meet on the streets that live in different parts of the county.

Q. The names you have given, the only ones you know of, or have heard of, whom you can name in the entire county?—A. I could name more, if I had time to think about it and talk with other men who have told me about it, that wanted to register and did not.

Q. You haven't thought of much or done much except about this election since the election, have you?—A. I certainly have; there's a Wilson panic on and a fellow has lots to think of.

Q. Is that all you have thought of, the Wilson panic, or what you call the Wilson panic, and the election?

(Contestant objects.)

A. No; a man usually has a good deal to study when there's a Democratic panic on to make a living for himself and family.

Redirect examination:

Q. You were about the registration a good deal during the time the registrars were registering women voters in this county last fall?—A. I was with them and working around where they were registering the last eight days.

Q. Is it not a fact that they uniformly registered all white women in Marshall County who met the requirements as to residence in the State, the county, and the precinct, regardless of any educational or property qualification?—A. Yes.

Recross-examination:

Q. Do you know of anyone being refused or denied registration, either white or black, who were qualified to register?—A. No; I don't know of any.

A. J. ROBERTS.

W. T. SMITH, examined for contestant, testified:

Q. You like in Hoopers, beat No. 24, in Marshall County?—A. I do.

Q. Were you running a public gin in that precinct last fall during the registration?—A. I was.

Q. About how long before the registrars came to that precinct to register the women did they send notice of any kind up there?

(Contestee objects.)

A. My recollection is that it was two or three days, maybe three.

Q. Is your gin at the voting place?—A. Yes.

Q. Was that the place advertised for the registrars to come to?—A. That was the place generally understood.

Q. Were you there when the registrars came?—A. I was.

Q. About how long did they remain there to register voters?—A. Between 10 and 15 minutes.

Q. Is that precinct a Republican precinct?—A. Yes.

Q. In your best judgment, about how many women over 21 years of age in all resided in that precinct at that time?

(Contestee objects.)

A. Right about 200.

Q. About how many registered there that day?

(Contestee objects.)

A. Eleven is my recollection.

Q. Was John Davidson and Did Sparks, the two leading and most active Democrats of the precinct, there promptly that day to meet the registrars?

(Contestee objects.)

A. They were.

Q. Have you heard of or had information to the effect that other women started from their homes to meet the registrars that day but learned that they had gone, and such women returned to their homes without registering?

(Contestee objects.)

A. I remember two; I saw one coming as they left. One other told me that she was getting ready to start and found out it was too late.

Q. You are well acquainted with the people of that precinct and their political affiliations?—A. I think I am.

Q. In your judgment, how many more women would there have been who would have registered and voted for C. B. Kennamer for Congress in the election last fall in that precinct if there had been sufficient notice given and the registrars had remained a reasonable length of time for the registration of such women in the precinct?

(Contestee objects.)

A. I believe there would have been anywhere from 25 to 30.

Q. Is this opinion based on some inquiry and investigation you have made to a limited extent during the past few days?

(Contestee objects.)

A. It is.

Q. When the notice of registration was posted there at the precinct voting place, I will ask you if some Democrats posted up by the notice a picture of the Negro, Henry Lincoln Johnson?

(Contestee objects.)

A. They did—somebody did—and I am sure it wasn't a Republican.

Q. I will ask you if the effect of that was to intimidate and keep away from registration the white women of your community?

(Contestee objects.)

A. The women folks didn't see that very much, but my opinion is that the men folks who did see it were disgusted, and, it being a strong Republican beat, the Democrats always hollered Negro so much.

Cross-examination :

Q. It is a fact that notice of the appointment of the registrars for your precinct was published in a newspaper in the county and also by posters and handbills, posted and handed out in your precinct, isn't it?—A. There was one posted on my gin. I saw it in one of the county papers. Not many of my neighbors take the paper I noticed it in.

Q. Did the registrars come to your gin to register the voters of your precinct?—A. They did.

Q. Was that the place they had advertised to appear?—A. That's been the voting place all the while and where they did come.

Q. Did they remain there long enough to register all the women who came to register and who requested to be registered?—A. In the rush they were in, they did.

Q. Was there anyone left out, or anyone who did not register at that time who were there?—A. At the moment they started there was no one else there to register.

Q. The Republicans had as much notice and the same opportunity to register, so far as you know, did they?—A. I don't think there was as much interest taken as there was on the Democratic side. They had a very active beat committeeman, and the returning officer took an active part in letting all Democrats know it.

Q. The Republicans had the same privilege to notify the Republican women of time and place of registration as the Democrats, didn't they?—A. There was a heap of the Republicans that didn't know they were going to be there. The way I intended to answer was that they did have the same privilege, but the Republicans didn't so understand it that they were to be there only a few minutes, and I believe the Democrats did.

(Contestee objects to what witnesses believes.)

Q. Did any Republican women come there to register after the registrars had gone?—A. I noticed one.

Q. Who was that?—A. Mrs. Fred Land.

Q. Was she qualified to register?—A. Yes.

Q. How long after they left before she came?—A. The car hadn't got out of sight; just a few minutes; she lives there, in a hundred yards of the place.

Q. Did she register afterwards?—A. I don't know.

Q. Is that the only one you know of that got there after they had gone?—A. That's the only one I know of; it didn't take the news long to get out that they were gone.

Q. It didn't take the news long to get out that they were coming, either, did it?—A. It was known in certain sections pretty well, I think, but certain sections it wasn't so well.

Q. How many Republican women registered there that day?—A. My recollection is that there was 11 in all registered there, and my recollection is about half were Republicans.

Q. Mr. Did Sparks, a Democrat, whom you spoke of being present at the registration place, did not have his women folks there, or all of them there to register, did he?—A. There was five of them there; don't think there was all there.

(By agreement this witness will be further cross-examined later.)

W. T. SMITH.

A. N. VANDEGRIFFT, examined for contestant, testified:

Q. You live in beat 24, Hoopers beat, Marshall County?—A. I do.

Q. How long have you lived there?—A. About 47 years.

Q. Are you well acquainted with the people of that precinct?—A. Yes.

Q. In recent years is that a Republican or Democratic precinct?—A. Republican.

Q. For the past few days have you some limited inquiry to ascertain whether there are a considerable number of Republican women in the precinct who did not get registered and did not vote in the election last fall?—A. Yes.

Q. If there had been proper notice given and the registrars had remained in the precinct for the registration of the women, in your best judgment, predicated on the inquiries you have made, how many more Republican women would have registered and voted for C. B. Kinnamer for Congress in that precinct in the election last fall?—A. There would have been between 25 and 30.

Cross-examination:

Q. You have made considerable inquiry to ascertain that number?—A. Yes.

Q. Can you give the names of them?—A. I think I can give you most of them: Mrs. Emma Baugh, Mrs. Emma Baugh (two ladies by that name), Mrs. Jeul Baugh, Mrs. Annie Baugh, Mrs. Sallie Baugh, Mrs. Carter, Mrs. Will Slayden, Mrs. Emma Todd, Mrs. Hall, Mrs. Cunningham, Mrs. Todd (again), Mrs. Todd (again), Mrs. Jim Sword, Mrs. Colquit, Mrs. Colquit (again; one of them is named Dorth; I don't know the other's name), Mrs. Petty, Mrs. Petty (again; there's two of the Pettys), Mrs. Motley, Mrs. Lang (Sim Lang's wife), Mrs. Smith (four of the Smiths), Mrs. Onie Sherril.

Q. Give the names of these four Smiths.—A. Mrs. Albert Smith, and the old lady's name is Jennie, a widow woman, and two daughters; also Andy Floyd's wife and another widow woman by the name of Floyd, Andy's mother. I guess that's about all I recollect of.

Q. Are there any Democratic women that failed to register in Hoopers?—A. About all that I could get up or hear of was four or six, I think was the number.

Q. That failed to register?—A. Yes.

Q. Give their names.—A. Mrs. Ragan, Mrs. Baugh, Mrs. Hooper, Mrs. Childers; that's all that I can recollect.

Q. Did the registrars come to Hoopers beat?—A. Yes.

Q. Didn't you see posters scattered through the beat or at public places giving notice?—A. No; I did not.

Q. Did you see notices of the date of their coming in the county paper?—A. Yes; I saw that.

Q. Isn't that paper of considerable circulation in that precinct?—A. I couldn't tell you whether it is or not.

Q. You remember the date they were to be in Hoopers beat?—A. No; I don't recollect the date.

Q. What was the name of the place they were to be at?—A. Alder Springs.

Q. Do you remember the time they were there?—A. No; I wasn't there myself; never went there.

Q. You remember of the time or about the time they were at Alder Springs?—A. About 8 o'clock in the morning; I know my folks had to hurry up to get there and liked not to have gotten there then.

Q. It was favorable weather at this time?—A. I don't recollect.

Q. How far is Alder Springs from Guntersville?—A. Six miles.

Q. It was well known in the neighborhood that the registrars were at the courthouse in Guntersville for a considerable length of time, wasn't it?—A. I couldn't tell you about that; never inquired.

Q. You are a Republican and voted for Mr. Kennamer?—A. Yes.

Q. You have spent considerable time and taken quite a deal of interest in procuring the names of the above parties?—A. I haven't taken up very much time; mighty little.

A. N. VANDEGIEFT.

W. J. MORTON, examined for contestant, testified:

Q. Do you live on Brindley Mountain, in the western part of Marshall County?—A. Yes.

Q. Is that in a different section of Marshall County to beats 24 and 16?—A. Yes; I think so.

Q. How long have you lived back on that mountain?—A. Ten years.

Q. Do you hold any kind of an official position at this time?—A. Yes; notary public and justice of the peace.

Q. How long have you held that position in your precinct?—A. About five or six years.

Q. Are you well acquainted with the people in that section of the county and their political affiliations?—A. Well, a good many of them.

Q. Have you made some inquiry and investigation for the past two or three days to find out whether there are a good many women in that section of the county who would have registered and who were eligible to register, and who would have voted for C. B. Kennamer for Congress last fall had reasonable notice been given and had the registrars given a reasonable length of time to the registration of these women in their home precincts?—A. Yes.

Q. From your acquaintance with the people in that section, and the short investigation you have made, in your opinion and best judgment, about how many women are there on an average to the precinct in that section of the county who would have registered and voted for C. B. Kennamer if they had been given such reasonable opportunity to register?—A. I'd think there was some 15 or 20 in Warrenton beat; something like that; I didn't go all over the beat. I guess there is that many nearly to each beat—some beats maybe more than that.

Cross-examination:

Q. What beat do you live in?—A. Warrington, beat 14.

Q. Did the registrars come to Warrington beat?—A. Yes; come through there.

Q. You remember the day they were there?—A. I couldn't tell you the day of the month; if I am not mistaken they were there on Wednesday.

Q. Had posters been sent out?—A. Mr. Roberts and Mr. Creel brought me one Monday night before the registration on Wednesday.

Q. Did you post it?—A. Yes.

Q. In your inquiry or investigation as above stated, did you find that any Democratic women who failed to register for reasons as you above stated?—A. No; I don't know of any.

Q. All the Democratic women registered?—A. So far as I know, they did.

Q. Did they have any better opportunity to register than the Republican women?—A. Some of them did; yes.

Q. In what way?—A. Well, Mr. Johnson went out there and stopped up there and registered B. F. Cuzzort's wife himself.

Q. Did she vote in the election?—A. I couldn't tell you.

Q. Is she a Republican or Democrat?—A. Democrat.

Q. Give the names of Republican women whom you know did not have opportunity to register.—A. Mrs. Sam Bates, Mrs. Mary Wood, Mrs. Julia Morris, Mrs. Sallie Dullion, Mrs. Riddle Morris, Mrs. Lucy Brown, Mrs. Alice Davis. I got these few right around me; I didn't go to the valley; didn't have time.

Q. How far do you live from Guntersville?—A. Seven miles, I think.

Q. Was it generally known in your community that the registrars were at Guntersville for a considerable length of time to register the women?—A. I heard they were.

Q. Wasn't it in the county papers that circulated in your community—notice of it?—A. No; I didn't see it in the papers.

Q. Do you take a county paper?—A. My boy does; I don't. I hardly ever look at it.

Q. Is it not a fact that some of the ladies in your community did not want to register and failed to avail themselves of the opportunity they had?—A. No; I don't know of any.

Q. Are you a Republican?—A. Yes; that's the only ticket I ever voted in my life.

Q. How long does it take to drive to Guntersville, the county seat, from your community?—A. Takes two hours for me to drive it.

Q. During the time of the registration last fall the weather conditions were pretty favorable, weren't they?—A. I couldn't tell; the day they came by my house was fair, but I don't know about the balance of the weather.

Q. How do you know these women you named didn't have an opportunity to register?—A. They said they didn't, some of them did; I didn't talk to all of them.

Q. Some of these you give by hearsay?—A. Mr. Hanson gave me the names of Grassy beat; he wanted to go home and he give me the names.

Q. Were any of the above-named ladies in that list he gave you?—A. No; not in that list.

Q. Did you talk to all the ladies you have named?—A. No.

Q. Some of them you give from hearsay?—A. The bailiff of Warrington beat gave me part of them; yes.

Q. Did you ask him to get you up a list?—A. No.

Redirect examination:

Q. The attorney for the contestee asked you if the Republican women in that section of the county did not have the same opportunity to register that was given the Democrats; is it not a fact that one of the registrars made several secret appointments or met Democratic women at a number of appointments made by Democratic workers on that mountain that were not on the regular published list of appointments?—A. Yes.

Recross-examination:

Q. Do you state that from your own knowledge or from hearsay?—A. No; I was not at the appointments, but some of them registered there told me so.

Q. Can you give the name of the place where such an appointment was made?—A. W. A. Burgett's store was one of them; they made two trips there. I don't know whether I could give the other or not.

Q. You know this of your own knowledge or is it hearsay?—A. I know what the registrars said, is all; I wasn't there.

Q. Is it not a fact that he registered Republican women at these appointments as well as Democrats?—A. I couldn't tell you about that; I guess if any came in he registered them.

W. J. MORTON.

J. D. PRUETT, examined for contestant, testified:

Q. Did you serve as one of the inspectors in holding the election at Boaz, in this county, in the election last fall?—A. Yes.

Q. During the holding of that election was Mr. W. H. Hyde the returning officer?—A. Yes.

Q. Is he a very zealous, active partisan Democrat, and was he in that election?—A. Yes.

Q. At the commencement of the election that morning was there a mutual agreement and understanding between the Republican managers and the Democratic managers whereby each political party was to have a woman voter in the polling place to assist the voters in making out their ballots?—A. Yes.

Q. Did the Republicans select or designate Mrs. W. E. Noel to remain in the polling place and act in that capacity for the Republicans?—A. Yes.

Q. Is it not a fact that Mrs. Will Creel, who was a Democrat and a supporter of L. B. Rainey, remained in the polling place most all the morning and did a like work for the Democratic Party?—A. She remained in there all the morning till late dinner; didn't leave the building until late dinner.

Q. When she left did other Democratic ladies come in and do a like work?—A. Yes; when she left I spoke to the Democratic managers and asked them to get a lady to take her place, and they did. They had Miss Bynum; she was the only one they had regular; others came in from time to time. H. O. Sparks was in there quite a little bit in the afternoon to assist the Democratic women, Mrs. Tom Pullen, Luther Williamson, and Francis High—those are all I recall now.

Q. Is it not a fact that throughout the day while the election was going on there was at all times more Democrats in the polling place taking part in the holding of the election, or assisting voters in making out their ballots, than there was Republicans?

((Contestee objects.))

A. There was.

Q. There was a considerably larger Republican vote cast at Boaz in that election than there was Democratic votes, was there not?—A. Yes.

Q. These Democrats you mentioned who were in the polling place assisting voters in making out their ballots were at all times where the returning officer could see them and observe their movements, could he not?—A. They were.

Cross-examination:

Q. Name the Republicans that came in the polling place and assisted in marking.—A. Mr. Ose Dodd assisted in the forenoon; Mrs. Noel was in there regularly all day. Those were all I remember.

Q. Did you see anyone's ticket marked for Mr. L. B. Rainey against the will of the voter?—A. I did not.

Q. Did any of these parties you mentioned above ask or suggest to any voters for whom to vote?—A. Not that I know of.

Q. You heard no electioneering in the polling place?—A. I did not.

Q. Is it not a fact that the election was held orderly and honestly so far as you are able to tell in your precinct?—A. I think it was.

Q. What is your political affiliations and for whom did you vote in the last congressional election?—A. I am a Republican, and I voted for Mr. Kennamer.

J. D. PRUETT.

THE STATE OF ALABAMA, *Dekalb County*, ss:

I, J. A. Downer, a notary public in and for said State and county and duly authorized by C. B. Kennamer, contestant, to take the depositions of witnesses in his behalf in the cause wherein the said C. B. Kennamer, contestant, is contesting the certified election of L. B. Rainey, contestee, to the Sixty-seventh Congress of the United States from the seventh congressional district of Alabama, hereby certify that I have caused to come before me at the times and places mentioned in this certificate, and mentioned in the notices attached to these depositions, for the purpose of giving evidence in behalf of the said C. B. Kennamer, contestant, the following witnesses, to wit:

April 1, 1821, at Fort Bayne, Ala.: W. M. Franklin, W. J. Jones, J. J. Durham, J. M. Durham

April 4, 1921, at Guntersville, Ala.: A. J. Roberts, W. T. Smith, A. N. Vandegift, W. J. Morton, J. D. Pruett.

The aforesaid witnesses were duly sworn and cautioned to speak the truth, the whole truth, and nothing but the truth; and all relevant questions propounded to them by the contestant and the contestee and their answers thereto, as near as may be, were taken down by me in their presence and read over to the witnesses who signed the same in my presence as their true evidence on said examinations. The foregoing records—namely: "A," from pages 1 to 8, inclusive; "B," from pages 1 to 15, inclusive—contain the depositions of the aforesaid witnesses complete. I further certify that at the examination of each of the aforesaid witnesses counsel for contestee was present and cross-examined, or had opportunity to cross-examine, said witnesses.

I further certify that I am neither of counsel nor of kin to C. B. Kennamer, contestant, nor L. B. Rainey, contestee, and that I have conducted the examinations of said witnesses fairly and according to law, to the best of my ability.

Witness my hand and seal this the 7th day of April, 1921.

[SEAL.]

J. A. DOWNER,

Notary Public,

Commissioner for C. B. Kennamer, Contestant.

STATE OF ALABAMA, *St. Clair County*:

By virtue of the power invested in me, L. E. Garrett, deputy clerk of circuit court of St. Clair County, Ala., and duly authorized commissioner to take testimony in behalf of the contestant, wherein C. B. Kennamer is contestant and L. B. Rainey is contestee, in the seventh congressional district of Alabama.

I have called and caused to come before me the witnesses named in the notices, a copy of which was served upon the Hon. Jas. A. Embry, attorney

for contestee, March 3 and April 4, 1921, a copy of which notice is hereto attached; that said examination was held at such times and places as was named in the notices, the contestant being present by attorney, Hon. C. R. Robinson, and the contestee by attorney, Hon. Jas. A. Embry, and having duly cautioned and sworn said witnesses to speak the truth, the whole truth, and nothing but the truth, depose and says as follows:

NOTICES TO TAKE DEPOSITIONS.

To L. B. RAINEY, *Contestee*.

You will take notice that C. B. Kennamer, contestant, will examine the witnesses named below as witnesses in his behalf, before L. E. Garrett, deputy clerk of circuit court, and duly authorized commissioner to take said depositions at the following places named, and that said examination will continue from day to day until all witnesses are examined.

The following persons will be examined at Piney Grove, in beat 2, on April 6, at 10 o'clock a. m., 1921: Mrs. Mary Jackson, Ashville, Rt. 2; Miss Myrtie Jackson, Ashville, Rt. 2; Mrs. Ivy Jackson, Ashville, Rt. 2; Mrs. Joe Davis, Ashville, Rt. 2; Mrs. Fanny Hannah, Ashville, Rt. 2; Miss Mary Bice, Ashville, Rt. 2; Miss Uridie Jackson, Ashville, Rt. 2.

And the following-named persons will be examined at Friendship Church, beat 2, April 6, 1921, at 2 p. m.: Mrs. G. W. Moreland, Springville, Ala., Rt. 2; Mrs. Elias Peace, Springville, Ala., Rt. 2; Mrs. D. G. Baswell, Ashville, Ala., Rt. 2; Mrs. Bessie Newton, Ashville, Ala., Rt. 2; Mrs. Jack Dollar, Ashville, Ala., Rt. 2; Mrs. George Meridith, Springville, Ala., Rt. 2; Mrs. — Abner, Springville, Ala., Rt. 2.

C. R. ROBINSON,
Attorney for Contestant.

I hereby certify that I have served a copy of the above-named witnesses on Hon. James A. Embry, attorney for L. B. Rainey, contestee.

This 4th day of April, 1921.

C. R. ROBINSON,
Attorney for Contestant.

To L. B. RAINEY, *Contestee*:

You will take notice that C. B. Kennamer, contestant, will examine the witnesses named below, as witnesses in his behalf, before Pauline Montgomery, a notary public, and duly authorized commissioner to take said depositions, at the following times and places named, and that said examination will continue from day to day until all witnesses are examined.

The following-named persons will be examined at Mount Castle Church, in beat 21, on Friday, April 1, 1921: Mrs. James Bice, Mrs. N. E. Hawkins, Miss Fannie Hawkins, Mrs. Hattie Hawkins, Mrs. Lucy Morrison, Mrs. Mickles, Mrs. Lizzie Meuborn, Mrs. Cassie Layton, Mrs. Almettia Day, Mrs. Rebecca Day, Miss Lucy Day, Mrs. Noah Day, Mrs. Viana Taylor, Mrs. Effie Singleton, Mrs. Winnie Cox, Mrs. Lillie Layton, Mrs. Polly Ann Layton, Mrs. Sanford, all of the above of Ragland, Ala., Route No. 1; Sumpter Cogswell, J. M. Garrett, and C. R. Fay at Pell City, April 1, 1921; and the following-named persons will be examined at Mount Pleasant, beat 14, on Saturday, April 2, 1921: Mrs. B. F. Drummond, Mrs. Jesse Drummond, Mrs. J. H. Chaney, Charley Thornton, Mrs. A. A. Hardy, Mrs. Henry Nelson, Mrs. Will Minor, Mrs. Madison Brown, Mrs. J. C. Spruiell, Mrs. Bernie Brazier, Mrs. John Cannell, Mrs. S. W. Wright, Mrs. J. H. Castleberry, Mrs. J. H. Hall, Mrs. J. G. Spradley, all of Eden, Ala., Route No. 1.

C. R. ROBINSON,
Attorney for Contestant.

I hereby certify that I have served a copy of the above-named witnesses on Hon. James A. Embry, attorney for L. B. Rainey, contestee.

C. R. ROBINSON,
Attorney for Contestant.

MARCH 30, 1921.

By agreement of the contestant and the contestee it is hereby agreed that L. E. Garrett, deputy circuit clerk, take the depositions of the witnesses named

in the notice, on account of the illness of Miss Pauline Montgomery, who had heretofore been named to take the testimony.

Hon. C. R. Robinson, representing the contestant, being present, and Hon. James A. Embry, representing the contestee, also present.

Mrs. VIANNA TAYLOR, being called and duly sworn, testifies as follows:

Q. What is your and how long have you resided in beat No. 21, St. Clair County, Ala.?—A. Vianna Taylor; have lived in this beat for more than two years, was over 21 years of age last October.

Q. Did you register last October?—A. I did not.

Q. Would you have registered if the registrars had visited the precinct in which you live and voted in the November election in 1920?

(Contestee objects.)

A. I would.

Q. What ticket would you have voted, Democratic or Republican?

(Contestee objects.)

A. Republican.

Q. Would you have voted for Mr. C. B. Kennamer or L. B. Rainey for Congressman from the seventh district of Alabama?

(Contestee objects.)

A. I would have voted for Mr. Kennamer.

Cross-examination by contestee:

Q. How far did you live from Ragland in October, 1920?—A. Three miles.

Q. How far did you live from Roberson Schoolhouse in October, 1920?—A. Two or three miles.

Q. Is Roberson Schoolhouse the voting place in beat No. 21 in St. Clair County?—A. Yes.

VIANNA TAYLOR.

Mrs. N. E. HAWKINS, being called and duly sworn, testified as follows:

Q. How long have you lived in beat No. 21, St. Clair County, and what is your age?—A. I have lived here all my life and am 60 years of age.

Q. Did you register in October, 1920?—A. No.

Q. Would you have registered, if the registrars had have visited your precinct, and voted in the November election in 1920?

(Contestee objects.)

A. Yes.

Q. Would you have voted the Republican or Democratic ticket?—A. Republican.

Q. Would you have voted for C. B. Kennamer or L. B. Rainey for Congress?—A. C. B. Kennamer.

Q. Did you have any notice that the registrars was registering in the county last October, or did you see any notices posted?—A. I did not.

Cross-examination by contestee:

Q. Did you know about the registration last October?—A. I heard about it, but did not have any convenient way to go—was too far.

Q. How far did you live from Ragland?—A. Seven miles.

Q. How far did you live from Roberson Schoolhouse in beat No. 21?—A. Four miles.

N. E. (her x mark) HAWKINS.

Mrs. HATTIE HAWKINS, being called and duly sworn, testified as follows:

Q. What precinct in St. Clair County, Ala., did you reside in October, 1920, and for how long, and was you over 21 years of age?—A. Precinct 21. For 7 years, and am over 21 years of age.

Q. Did you register in October, 1920?—A. No.

Q. If the registrars had have visited your precinct for the purpose of registering voters or if you had have had a fair and reasonable opportunity to register, would you have registered and voted in the November election, 1920?

(Contestee objects.)

A. Yes.

Q. Would you have voted the Democratic or Republican ticket?—A. Republican ticket.

Q. Would you have voted for C. B. Kennamer or L. B. Rainey for Congress?—A. Mr. C. B. Kennamer.

Cross-examination by contestee:

Q. Did you hear about the registration of women last October?—A. Yes.

Q. How far did you live from Ragland in October, 1920?—A. Seven miles.

Q. How far did you live from Roberson Schoolhouse in beat 21?—A. Four miles.

HATTIE (her x mark) HAWKINS.

Mrs. WINNIE COX, being called and duly sworn, testified as follows:

Q. How long had you lived in precinct 21, St. Clair County, Ala., in October, 1920, and are you over 21 years of age?—A. Eleven years, and am over 21 years of age at that time.

Q. Did you register in October, 1920?—A. No.

Q. If the registrars had have visited precinct 21 for the purpose of registering voters or if you had have had a fair and reasonable opportunity to register, would you have registered and voted in the November election, 1920?

(Contestee objects.)

A. Yes.

Q. Would you have voted the Democratic or Republican ticket?—A. Republican ticket.

Q. Did you have any notice or know of the registrars registering voters in October, 1920?—A. No; not until they had passed.

Cross-examination by contestee:

Q. How far did you live from Ragland in last October?—A. Six and a half miles.

Q. How far did you live from Roberson Schoolhouse?—A. Eight miles.

WINNIE (her x mark) COX.

Mrs. LUCY MORRISON, being called and duly sworn, testified as follows:

Q. How long had you lived in precinct 21, St. Clair County, Ala., and were you over 21 years of age?—A. About five years, and am over 21 years of age.

Q. Did you register in October, 1920?—A. No.

Q. If the registrars had visited precinct 21 for the purpose of registering voters in October, 1920, or if you had have had a fair and reasonable opportunity to have registered, would you have registered and voted in the November election, 1920?

(Contestee objects.)

A. Yes.

Q. Would you have voted the Democratic or Republican ticket?—A. Republican.

Cross-examination by contestee:

Q. How far did you live from Ragland in October, 1920?—A. Seven miles.

Q. How far did you live from Roberson Schoolhouse?—A. Four and a half miles.

LUCY (her x mark) MORRISON.

Mrs. LIZZIE MEUBORN, being called and duly sworn, testified as follows:

Q. How long had you lived in precinct 21, St. Clair County, Ala., in October, 1920, and was you over 21 years of age?—A. Born and raised in the precinct and over 21 years of age.

Q. Did you register in October, 1920?—A. No.

Q. If the registrars had have visited precinct 21 or you had have had a fair and reasonable opportunity to have registered, would you have registered and voted in the November election, 1920?

(Contestee objects.)

A. I would.

Q. Would you have voted the Republican or Democratic ticket?—A. Republican ticket.

Cross-examination by contestee:

Q. How far did you live from Ragland in October, 1920?—A. Six miles.

Q. How far did you live from Roberson Schoolhouse?—A. Five miles.

LIZZIE (her x mark) MEUBORN.

Miss EFFIE SINGLETON, being called and duly sworn, testified as follows:

Q. How long had you lived in precinct 21, St. Clair County, in October, 1920, and was you over 21 years of age?—A. Lived in precinct 10 years, and over 21 years of age.

Q. Did you register in October, 1920?—A. No.

Q. If the registrars had have visited precinct 21 for the purpose of registering voters, or if you had have a reasonable opportunity to have registered, would you have registered and voted in the November election, 1920?

(Contestee objects.)

A. Yes.

Q. Would you have voted the Republican or Democratic ticket?—A. Republican.

Cross-examination by contestee:

Q. In October, 1920, how far did you live from Ragland and from Roberson Schoolhouse?—A. Ragland, 4 miles; Roberson Schoolhouse, 4 miles.

Redirect examination by contestant:

Q. Ragland is not in the voting precinct in which you live?—A. No.

EFFIE SINGLETON.

Mrs. N. L. B. MICKLE, being called and duly sworn, testified as follows:

Q. How long had you lived in precinct 21, St. Clair County, Ala., in October, 1920, and was you over 21 years of age?—A. Two years, and I am over 21 years of age.

Q. Did you register in October, 1920?—A. No.

Q. If the registrars had have visited precinct 21, or if you had have had a reasonable opportunity to have registered, would you have registered and voted in the November election, 1920.

(Contestee objects.)

A. Yes.

Q. Would you have voted the Republican or Democratic ticket?—A. Republican ticket.

Cross-examination by contestee:

Q. In October, 1920, how far did you live from Ragland and how far from Roberson Schoolhouse?

A. Ragland, 7 miles; Roberson Schoolhouse, 4½ miles.

N. L. B. (her x mark) MICKLE.

Mrs. JAMES BICE, being called and duly sworn, testified as follows:

Q. How long had you lived in precinct 21, St. Clair County, and are you over 21 years of age?—A. Lived in the precinct all my life and am over 21 years of age.

Q. Did you register in October, 1920?—A. No.

Q. If the registrars had have visited precinct 21, or if you had have had a reasonable opportunity to had registered, would you have registered and voted in the November election, 1920?

(Contestee objects.)

A. Yes.

Q. Would you have voted the Republican or Democratic ticket?—A. Republican ticket.

Cross-examination by contestee:

Q. In October, 1920, how far did you live from Ragland and how far from Roberson Schoolhouse?—A. Six miles from Ragland; 4 miles from Roberson schoolhouse.

Mrs. JAMES BICE.

Mrs. FANNIE HAWKINS, being called and duly sworn, testified as follows:

Q. How long had you lived in precinct 21, St. Clair County, Ala., and was you over 21 years of age?—A. All my life and am over 21 years of age.

Q. Did you register in October, 1920?—A. No.

Q. If the registrars had have visited precinct 21, or if you had have had notice and reasonable opportunity to register, would you have registered and voted in the November election, 1920?

(Contestee objects.)

A. Yes.

Q. You have voted the Republican or Democratic ticket?—A. Republican ticket.

Cross-examination by contestee:

Q. Did you hear of the women being registered last October?—A. Yes.

Q. In October, 1920, how far did you live from Ragland and how far from Roberson Schoolhouse?—A. Ragland, 7 miles; Roberson, 4 miles.

FANNIE (her x mark) HAWKINS.

Mrs. REBECCA DAY, being called and duly sworn, testified as follows:

Q. How long had you lived in precinct 21, St. Clair County, Ala., in October, 1920, and was you over 21 years of age?—A. All my life, and over 21 years of age.

Q. Did you register in October, 1920?—A. No.

Q. If the registrars had have visited precinct 21 for the purpose of registering voters, or if you had have had a reasonable opportunity to have registered, would you have registered and voted in the November election, 1920?

(Contestee objects.)

A. Yes.

Q. Would you have voted the Republican or Democratic ticket?—A. Republican ticket.

Cross-examination by contestee:

Q. In October, 1920, how far did you live from Ragland and from Roberson Schoolhouse?—A. Ragland, 7 miles; Roberson Schoolhouse, 6 miles.

REBECCA (her x mark) DAY.

Miss LUCIE DAY, being called and duly sworn, testified as follows:

Q. How long had you lived in precinct 21 in October, 1920, and was you over 21 years of age?—A. All my life, and over 21 years of age.

Q. Did you register in October, 1920?—A. No.

Q. If the registrars had have visited precinct for the purpose of registering voters, or if you had have had a fair and reasonable opportunity to have registered, would you have registered and voted in the November election, 1920?

(Contestee objects.)

A. Yes.

Q. Would you have voted the Republican or Democratic ticket?—A. Republican ticket.

Cross-examination by contestee:

Q. In October, 1920, how far did you live from Ragland and from Roberson Schoolhouse?—A. Ragland, 7 miles; Roberson Schoolhouse, 6 miles.

LUCIE DAY.

Mrs. CASSEY LAYTON, being called and duly sworn, testified as follows:

Q. How long have you lived in precinct 21, St. Clair County, Ala., and was you over 21 years of age last October?—A. Twenty years, and over 21 years of age.

Q. Did you register in October, 1920?—A. No.

Q. If the registrars had have visited precinct 21 for the purpose of registering voters, or if you had a fair and reasonable opportunity to have registered, would you have registered and voted in the November election, 1920?

(Contestee objects.)

A. Yes.

Q. Would you have voted the Republican or Democratic ticket?—A. Republican ticket.

Cross-examination by contestee:

Q. In October, 1920, how far did you live from Ragland and from Roberson Schoolhouse?—A. Ragland, 7 miles; Roberson, 5 miles.

CASSEY LAYTON.

SUMTER COGSWELL, being called, and after being duly sworn, testified as follows:

Q. Do you reside in St. Clair County, Ala., and how long have you resided in the county; and are you acquainted with the citizenship of the county?—A. Yes; about 19 years; and am familiar with the general conditions.

Q. Was you a registered voter and did you vote in the election November, 1920?—A. Yes.

Q. What party did you affiliate with?—A. Republican.

Q. Did you or not render any assistance in getting women of this county registered in October, 1920?—A. I used every effort in getting them informed and getting them to the place of registration.

Q. From your knowledge and information, how many Republican women in St. Clair County, Ala., failed to register, and on account of such failure did not vote in the election of November, 1920, from your general knowledge and information, on account of the short time and the few places visited by the registrars for the purposes of registering voters?—A. From inquiry and complaints made after the election I believe that from 500 to 600 votes was lost from lack of time and notice from the registrars to the Republican ticket.

Cross-examination by contestee:

Q. Where do you reside?—A. Pell City, Ala., southern judicial division.

Q. How many precincts in the county have you visited since the election?—A. I have not visited more than five or six, but court was held here at Pell City since the election, and at which time I have talked with quite a number of citizens of the county.

Q. Your judgment on this matter is based largely upon what you learned during court, is it not?—A. Yes; and since.

Q. Both parties was quite energetic in getting the women registered, was they not?—A. They were, but the Democratic Party has every advantage through their Democratic registrars notifying Democratic ladies that they would meet them in private session at the homes of mutual friends and requested them to say nothing to the Republican women about this, whereas the Republican women had to report to those places where the registrations were legally held, depending on other than State registrars for their information.

Q. Were you with the registrars at any other than at Pell City?—A. I only met them at Pell, but I asked Mr. O. B. Morris, one of the registrars, if it was true, that the reports were true that the registrars were registering at other places than those which they had advertised, at places where they would be legally registered, and he said, "Yes." I asked him if he had registered at Cropwell, without legal notice, 13 women, all of which was reported to be Democrats, whose names I read out to him, and he said "Yes." I asked him why he did not notify Republicans as well as Democrats and he said that he was invited by the Democrats to do it. I asked him if he went down to Mr. Gambrell, about 15 miles from Pell City, to register Mrs. Gambrell, a Democrat, there being no former notice. He said they did.

SUMTER COGSWELL.

JAMES M. GARRETT, being called, and after being duly sworn, testified as follows:

Q. Do you reside in St. Clair County, Ala.; if so, how long, and do you hold any official position; if so, how long, and are you familiar in a general way of the political affiliation of the people of the various precincts of the county?—A. I reside in St. Clair County, have for all my life, am clerk of the circuit and have been for 16 years, and am familiar with the political affiliation of the people in the different precincts in the county.

Q. From your knowledge and information, how many Republican women failed to register in October, 1920, and would have registered and voted in the November election, 1920, if they could have had a fair and reasonable opportunity to register?

(Contestee objects.)

A. In my judgment, some 500 or 600.

JAS. M. GARRETT.

Mrs. N. J. WRIGHT, being called and duly sworn, and testifies as follows:

Q. How long have you lived in precinct 14, St. Clair County, Ala., in October, 1920; are you over the age of 21 years?—A. About 30 years; am over 21 years of age.

Q. Did you register in October, 1920?—A. No.

Q. If the registrars had have visited precinct 14 for the purpose of registering voters, or if you had have had a fair and reasonable opportunity to have registered, would you have registered and voted in the November election, 1920?

(Contestee objects.)

A. Yes.

Q. Would you have voted the Republican or Democratic ticket?—A. Republican.

(Cross-examination by contestee :

Q. How far did you live from Pell City in October, 1920?—A. Twelve miles.

Q. Where did you live in October, 1920?—A. Twelve miles from Pell City.

Mrs. N. J. (her x mark) WRIGHT.

Mrs. BARNIE BRAZIER, being called and duly sworn, testifies as follows :

Q. How long have you lived in precinct 14, St. Clair County, Ala., in October, 1920; are you over the age of 21 years?—A. Lived in this county all my life and am over 21 years of age and in this precinct three or four months.

Q. Did you register in October, 1920?—A. No.

Q. If the registrars had have visited precinct 14 for the purpose of registering voters, or if you had have had a fair and reasonable opportunity to have registered, would you have registered and voted in the November election, 1920?

(Contestee objects.)

A. Yes.

Q. Would you have voted the Republican or Democratic ticket?—A. Republican.

(No cross-examination by contestee.)

Mrs. BARNIE (her x mark) BRAZIER.

Mrs. CHARLEY THORNTON, being called and duly sworn, testifies as follows :

Q. How long had you lived in precinct 14, St. Clair County, Ala., in October, 1920; are you over the age of 21 years?—A. Five years; was over 21 years of age.

Q. Did you register in October, 1920?—A. No.

Q. If the registrars had have visited precinct 14 for the purpose of registering voters, or if you had have had a fair and reasonable opportunity to have registered, would you have registered and voted in the November election, 1920?

(Contestee objects.)

A. Yes.

Q. Would you have voted the Republican or Democratic ticket?—A. Republican ticket.

(Cross-examination by contestee :

Q. Did you make any effort to get registered?—A. No.

(Redirect examination :

Q. How far did you live from Pell City in October, 1920?—A. About 15 miles.

Mrs. CHARLEY THORNTON.

Mrs. A. A. HARDY, being called and duly sworn, testifies as follows :

Q. How long have you lived in precinct 14, St. Clair County, Ala., in October, 1920; are you over the age of 21 years?—A. Live in this precinct four years. Was over 21 years of age.

Q. Did you register in October, 1920?—A. No.

Q. If the registrars had have visited precinct 14 for the purpose of registering voters, or if you had have had a fair and reasonable opportunity to have registered, would you have registered and voted in the November election, 1920?

(Contestee objects.)

A. Yes.

Q. Would you have voted the Republican or Democratic ticket?—A. Republican ticket.

Q. How far did you live from Pell City in October, 1920?—A. About 14 miles.

Cross-examination by contestee:

Q. Did any of your neighbors registers?—A. Yes; a good many.

Mrs. A. A. HARDY.

Mrs. MARY JACKSON, being called and duly sworn, testifies as follows:

Q. How long have you lived in precinct 2, St. Clair County, Ala., in October, 1920? Are you over the age of 21 years?—A. Live in precinct 30 years and am over 21 years of age.

Q. Did you register in October, 1920?—A. No.

Q. If the registrars had have visited precinct 2 for the purpose of registering voters, or if you had have had a fair and reasonable opportunity to have registered, would you have registered and voted in the November election, 1920?

(Contestee objects.)

A. Yes.

Q. Would you have voted the Republican or Democratic ticket?

(Contestee objects.)

A. Republican.

Cross-examination by contestee:

Q. How far did you live from Odenville last October?—A. Eight miles.

Q. How far from Ashville?—A. Ten miles.

Q. How far from Coal City?—A. Eight miles.

Q. Where is the voting place of beat 2?—A. Friendship, and 2 miles.

Mrs. MARY (her x mark) JACKSON.

Miss MYRTIE JACKSON, being called and duly sworn, testifies as follows:

Q. How long have you lived in precinct 2, St. Clair County, Ala., in October, 1920? Are you over the age of 21 years?—A. Live in precinct 2 all my life, and am over 21 years of age.

Q. Did you register in October, 1920?—A. No.

Q. If the registrars had have visited precinct 2 for the purpose of registering voters, or if you had have had a fair and reasonable opportunity to have registered, would you have registered and voted in the November election, 1920?

(Contestee objects.)

A. Yes.

Q. Would you have voted the Republican or Democratic ticket?

(Contestee objects.)

A. Republican ticket.

Cross-examination by contestee:

Q. How far did you live from Ashville, Odenville, and Coal City?—A. Ashville, 11 miles; Odenville, 8 miles; Coal City, 8 miles.

Q. Is Friendship the voting place of beat 2, and how far?—A. Yes; and 2 miles.

MYRTIE (her x mark) JACKSON.

Miss ERDIE JACKSON, being called and duly sworn, testifies as follows:

Q. How long had you lived in precinct 2, St. Clair County, Ala., in October, 1920, and are you over 21 years of age?—A. All my life; yes.

Q. Did you register in October, 1920?—A. No.

Q. If the registrars had have visited precinct 2 for the purpose of registering voters, or if you had have had a fair and reasonable opportunity to have registered, would you have registered and voted in the November election, 1920?

(Contestee objects.)

A. Yes.

Q. Would you have voted the Democratic or Republican ticket?

(Contestee objects.)

A. Republican ticket.

Cross-examination by contestee:

Q. How far do you live from Ashville, Odenville, Coal City?—A. Ashville, 11 miles; Odenville, 8 miles; Coal City, 8 or 9 miles.

Q. Is Friendship the voting place of beat 2, and how far?—A. Yes; 2 miles.

ERDIE (her x mark) JACKSON.

Mrs. ICY JACKSON, being called and duly sworn, testifies as follows:

Q. How long have you lived in precinct 2, St. Clair County, Ala., in October, 1920? Are you over 21 years of age?—A. Lived in precinct 2 about 13 years; yes.

Q. Did you register in October, 1920?—A. No.

Q. If the registrars had have visited the precinct 2 for the purpose of registering voters, or if you had have had a fair and reasonable opportunity to register, would you have registered and voted in the November election, 1920?

(Contestee objects.)

A. Yes.

Q. Would you have voted the Republican or Democratic ticket?

(Contestee objects.)

A. Republican ticket.

Cross-examination by contestee:

Q. How far did you live from Ashville, Coal City, Odenville?—A. Ashville, 11 miles; Odenville, 8; Coal City, 8 miles.

Q. Is Friendship the voting place for beat 2, and how far?—A. Yes; 2 miles.

Mrs. ICY JACKSON.

Mrs. ELIAS PEACE, being called and duly sworn, testifies as follows:

Q. How long have you lived in precinct 2, St. Clair County, Ala., in October, 1920? Are you over the age of 21 years?—A. Lived in precinct 2 for 18 years, and am over 21 years of age.

Q. Did you register in October, 1920?—A. No.

Q. If the registrars had have visited precinct 2 for the purpose of registering voters, or if you had have had a fair and reasonable opportunity to have registered, would you have registered and voted in the November election, 1920?

(Contestee objects.)

A. Yes.

Q. Would you have voted the Republican or Democratic ticket?

(Contestee objects.)

A. Republican ticket.

Cross-examination by contestee:

Q. How far did you live from Odenville last October?—A. Three miles.

Q. How far from Coal City?—A. Eight miles.

Q. Was Friendship the voting place in beat 2, and how far?—A. Two miles; yes.

Mrs. ELIAS PEACE.

Mrs. D. G. BASWELL, being called and duly sworn, testifies as follows:

Q. How long have you lived in precinct 2, St. Clair County, Ala., in October, 1920? Are you over the age of 21 years?—A. Lived in precinct 2 for 19 years; yes.

Q. Did you register in October, 1920?—A. No.

Q. If the registrars had have visited precinct 2 for the purpose of registering voters, or if you had have had a fair and reasonable opportunity to have registered, would you have registered and voted in the November election, 1920?

(Contestee objects.)

A. Yes.

Q. Would you have voted the Republican or Democratic ticket?

(Contestee objects.)

A. Republican ticket.

Q. How far did you live from Odenville last October, and Friendship?—A. Odenville, 5 miles; Friendship, 1 mile.

Mrs. D. G. BASWELL.

Mrs. GEORGE MERIDITH, being called and duly sworn, testifies as follows:

Q. How long had you lived in precinct 2, St. Clair County, Ala., in October, 1920? Are you over the age of 21 years?—A. Lived in this precinct four years, and am over 21 years of age.

Q. Did you register in October, 1920?—A. No.

Q. If the registrars had have visited precinct 2 for the purpose of registering voters, or if you had have had a fair and reasonable opportunity to have registered, would you have registered and voted in the November election, 1920?

(Contestee objects.)

A. Yes; guess so.

Q. Would you have voted the Republican or Democratic ticket?

(Contestee objects.)

A. Republican ticket.

Cross-examination by contestee:

Q. How far did you live from Odenville last October. Coal City, Friendship?—A. Odenville, 7 miles; Coal City, 10 miles; Friendship, 3 miles.

Mrs. GEORGE (her x mark) MERIDITH.

Mrs. G. W. MORELAND, being called and duly sworn, testifies as follows:

Q. How long have you lived in precinct 2, St. Clair County, Ala., in October, 1920? Are you over the age of 21 years?—A. Lived in the precinct eight years, and am over 21 years of age.

Q. Did you register in October, 1920?—A. No.

Q. If the registrars had have visited precinct 2 for the purpose of registering voters, or if you had have had a fair and reasonable opportunity to have registered, would you have registered and voted in the November election, 1920?

(Contestee objects.)

A. Yes; I guess so.

Q. Would you have voted the Republican or Democratic ticket?

(Contestee objects.)

A. Republican ticket.

Cross-examination by contestee:

Q. How far did you live from Odenville and from Friendship?—A. Two miles from Friendship; 4 from Odenville.

Mrs. G. W. MORELAND.

Mrs. JOHN ABNER, being called and duly sworn, testifies as follows:

Q. How long had you lived in precinct 2, St. Clair County, Ala., in October, 1920, and are you over the age of 21 years?—A. Lived in the precinct 8 years, and am over 21 years of age.

Q. Did you register in October, 1920?—A. No.

Q. If the registrars had have visited precinct 2 for the purpose of registering voters or if you had have had a fair and reasonable opportunity to have registered, would you have registered and voted in the November election, 1920?

(Contestee objects.)

A. Yes.

Q. Would you have voted the Democratic or Republican ticket?

(Contestee objects.)

A. Republican ticket.

Cross-examination by contestee:

Q. How far did you live from Odenville last October?—A. Nine miles.

Q. How far from Ashville?—A. Seven miles.

Q. How far from Friendship?—A. Five miles.

Q. Friendship is the voting place in beat 2, is it not?—A. Yes.

Mrs. JOHN ABNER.

THE STATE OF ALABAMA, *St. Clair County*:

I, L. E. Garrett, deputy clerk of circuit court of St. Clair County, Ala., and duly authorized commissioner, do hereby certify that the foregoing questions and answers, taken down and written by me from pages 1 to 19, inclusive,

were in the words of the questions and answers of the witnesses, that they assented, swore to, and subscribed the same in my presence at the time and place herein mentioned; that I have personal knowledge of the personal identity of said witnesses, and I inclose the testimony, direct and cross, to the Clerk of the House of the Congress of the United States as my full execution of said commission.

Given under my hand and seal this 7th day of April, 1921.

[SEAL.]

L. E. GARRETT,
Deputy Clerk of Circuit Court St. Clair County, Ala.,
Duly Authorized Commissioner.

CONTESTANT'S EXHIBIT X.

STATE OF ALABAMA, *County of Blount:*

Before me, a notary public in and for said county, personally appeared Savannah Copeland, who is known to me, and who on her oath says as follows, to wit: I am a qualified elector in precinct No. 21. My name is Savannah Copeland.

SAVANAH (her x mark) COPELAND.

Attest:

T. S. COPELAND.

Sworn to and subscribed before me this the 1st day of November, 1920, the above-named Savannah Copeland, who is known to me, and who makes the above affidavit on this the 1st day of November, 1920.

F. A. HEARN, *Notary Public.*

(Contestant's Exhibit Y, election ballot for seventh congressional district, omitted in printing.)

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